

Career Break Policy

Author with contact details	Business HR		
Lead Executive/ Senior Manager	Heather Barnett, Chief People Officer		
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Equality, Diversity And Human Right Statement	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
To be read In conjunction with / Associated Documents:	LUHFT Annual Leave Policy	Information Classification Label	<input type="checkbox"/> Unclassified
Access to Information	To access this document in another language or format please contact the policy author.		

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Contents

1. Policy Statement.....	3
2. Purpose	3
3. Eligibility.....	4
4. Duration of Break.....	4
5. Key Considerations.....	4
5.1 Continuity of Employment	4
5.2 Undertaking paid employment during a Career Break	4
5.3 Pay.....	5
5.4 Occupational Maternity/Adoption Pay	5
5.5 Long Service Award	5
5.6 Trust Property	5
5.7 Pensions	5
5.8 Keeping in Touch Arrangements.....	6
5.9 Applying for other positions.....	6
5.10 Salary Sacrifice	6
5.11 Workforce Change	7
6. Application Procedure.....	7
Applicants will be notified in writing of the decision.....	8
7. Appeals.....	8
8. Return to work.....	8
9. Professional Registration	9
10. Extension to Career Break	9
11. Where an Employee Decides not to Return to Work.....	9
12. Disciplinary Action.....	9
13. Redundancy Rights	9
14. Vacancy Cover	9
15. Recording and Monitoring	10
16. Informing I.T. of Extended Leave	10
17. Exceptions.....	10
18. Training	10

19. Monitoring of compliance.....	10
20. Relevant regulations, standards and references	11
21. Equality, diversity and human right statement.....	11
22. Legal requirements.....	11
23. Appendices	11
Appendix 1: Equality Impact Assessment	12
Appendix 2: Roles and Responsibilities	16
Appendix 3: Career Break Application Form.....	17
Appendix 4: Application for Paid Days Employment – Career Break Policy	19
Appendix 5 - Example Letter: Declining a Request for Career Break	20
Appendix 6: Career Break Flowchart	21

1. Policy Statement

The Trust recognises that during an employee’s working life there will be times when personal commitments take priority over work. The Career Break Policy has been designed to allow employees the opportunity to take an unpaid break from their employment of up to 5 years.

2. Purpose

The purpose of the career break scheme is to retain skilled and experienced staff, who wish to take a break from work, but who intend to resume their careers within the Trust at a future date. It offers an opportunity to take an extended period away from work which exceeds that offered by normal leave arrangements or other options, such as parental leave. At Liverpool University Hospitals, we are committed to tackling workforce shortages and believe that flexibility helps to foster a culture that makes us a modern employer of choice.

The Career Break Scheme has been formulated in line with Agenda for Change Terms and Conditions (section 34) and is a discretionary provision. The Trust will consider a range of circumstances when making a decision on individual requests. All requests will be given full consideration, balancing the employees needs with the needs of the wider team, service and patients.

Possible reasons for a career break may include:

- The upbringing of a child
- The care of a dependant
- A return to full time education
- Further training or other forms of self-development
- If a partner is transferred abroad for a period of time

(other reasons will be considered on their merit).

3. Eligibility

All staff with a minimum of 12 months continuous NHS service, at the time of application, are eligible to apply for the scheme.

Employees who have a 'live' Warning issued under any of the Trust's policies or who are working to an informal /formal performance framework may not be excluded from applying for a career break and this should be reviewed as part of the career break application. Where one is granted, however, any unexpired term of a "live" Warning issued under any of the Trust's policies will continue following the return to work.

Where a formal investigation has been commissioned under any of the Trust's policies, a career break will not be granted. Applications may be submitted when the outcome of the investigation is known.

4. Duration of Break

- The minimum length of break will be three months.
- The maximum length of break will be five years.
- The length of any break should balance the needs of the applicant with the needs of the service.
- Breaks should be able to be taken either as a single period or as more than one period.

5. Key Considerations

Employees considering a career break should be aware of the following:

5.1 Continuity of Employment

During the career break all rights under the Contract of Employment will be suspended including redundancy, maternity, adoption, paternity leave, annual leave and sick pay.

The period of the break will count towards continuous employment for statutory purposes.

5.2 Undertaking paid employment during a Career Break

Staff on career breaks will not normally be allowed to take up paid employment with another employer except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority from the Trust is necessary prior to taking up such work. Paid employment may be essential for Nurses in order to maintain their professional registration.

Where it is identified that employees are taking up paid employment during their career break and this has not been agreed, consideration may be taken to managing this in line with the Trust's Disciplinary Policy.

5.3 Pay

Staff will return to work at the equivalent salary level i.e. same band and pay step and cost of living increases awarded during the break will be reflected.

Progression through all pay step points in all pay bands is conditional on individuals demonstrating that they meet locally agreed performance requirements through annual appraisal. Employees on career break will not be able to meet performance requirements and will not therefore be able to progress through the pay steps whilst on career break. Further explanation on pay step progression is contained within the Trust's Pay Progression Policy. <https://staffhub.liverpoolft.nhs.uk/working-with-us/policies.htm?postid=627534>

5.4 Occupational Maternity/Adoption Pay

Staff wishing to commence a career break immediately following maternity/adoption leave will be required to refund the occupational element of pay should they fail to return to work for a period of three months after the break.

5.5 Long Service Award

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

5.6 Trust Property

Prior to an employee commencing a career break, where applicable, managers must ensure that appropriate arrangements have been made for the return of Trust property, such as mobile phones, laptops, iPads, keys, access cards etc.

5.7 Pensions

An employee can choose to continue to contribute to the NHS Pension scheme during a career break providing they agree to pay the relevant contributions as defined below:

- For the first 6 months of the career break contributions are payable, by both the employee and employer, as if the employee was at work. The Pensions team will be able to provide a payment schedule of the value required to be paid by the individual before the career break commences. During an extended period past 6 months, the employee will be responsible for paying both their own and the employer's contribution. This is a cost consideration when making a decision. If the contributions are not continued, this is classed as a break in your pension and guidance should be taken as to the impact on your pensionable service.
- An employee 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).

Further information for Scheme members can be obtained from the NHS Pensions website at: <http://www.nhsbsa.nhs.uk/career-break-guidance>.

For in-depth financial advice regarding pension options, staff may seek advice from an external, independent financial pension advisor or liaise with a Pensions Advisor within the Payroll service.

5.8 Keeping in Touch Arrangements

The appropriate line manager will maintain regular contact with the employee and ensure they receive newsletters, information on relevant training and any current Trust developments.

Staff on a career break must be prepared, wherever possible, to undertake a minimum of 10 days paid employment in a year (pro rata for shorter breaks), in order to keep abreast of any changes and developments in the service. The manager will discuss this with the member of staff at least 4 weeks in advance before the work commences. Consideration may need to be given when the member of staff is undertaking a career break abroad. Staff will be paid at the appropriate rate for any work undertaken during the career break. Please refer to Appendix 4 for details on how to apply for paid day's employment.

5.9 Applying for other positions

When on a career break, an employee can apply for other positions within the Trust. However, employees should note that, should they be successful, continuation of the career break cannot be guaranteed as it will depend upon the business needs of the area. It is advised that a discussion is held with the recruiting manager prior to an application being submitted.

5.10 Salary Sacrifice

Staff considering a Career Break and who have Salary Sacrifice items are advised to contact the Salary Sacrifice Team before they apply so they can be advised of all available payment options. Please bear in mind that any outstanding balance must be paid before the Career Break commences (as with leaving the Trust).

The following information will apply:

Salary Sacrifice items cannot be transferred to another employer, nor can payments be suspended 'pending' return to the Trust.

•**Home Electronics** – Any outstanding balance is payable before the Career Break starts and will be deducted as a 'net' payment from pay unless other arrangements have been made with the Salary Sacrifice Team.

•**Lease cars** – The lease car must be returned in plenty of time for the final balance to be paid before the Career Break commences. **Please note** an early settlement fee may be payable - the value of which would be dependent upon the time left on the contract and reason for return (please see Drivers handbook/Lease contract for details). Staff are also responsible for the cost of any damage, over mileage or unfair wear and tear on the vehicle which may be invoiced to them after return of the vehicle and after the Career Break commences. Any outstanding balance will be deducted from pay unless other arrangements have been made with the Salary Sacrifice Team.

•**Additional Annual Leave** – There will be no entitlement to holiday pay whilst on a career break and the employee will not accrue annual leave. Any annual leave owing must be taken before commencement of the career break. If we are not

advised by the line manager of how much has been used, we will assume all has been taken and deduct any outstanding balance from 'net' pay accordingly.

•**Child Care Vouchers** – Staff should ensure Childcare Voucher payments are cancelled to coincide with the last full month before the Career Breaks starts. This should ensure there is no outstanding balance as the Career Break commences
Please note – it may not be possible for the Trust to recommence Childcare Vouchers on return to the Trust, depending on the length of time away from the Trust or changes to government regulations.

•**Bikes/ Merseytravel Passes** – Staff should contact travel@liverpoolft.nhs.uk to make arrangements to return/keep the item and pay off any outstanding balance.

•**Car Park Passes** - Staff should contact CarParkingGroup@liverpoolft.nhs.uk to arrange return of the pass and pay any remaining balance.

For all Salary Sacrifice Schemes – Any remaining balance the Trust has been unable to deduct from pay or the Trust is invoiced for after the Career Break commences will be referred to the Finance Department who will contact Staff direct to arrange payment.

5.11 Workforce Change

In the case of staff absent when the change process commences, Line Managers will be responsible for ensuring that such staff are kept fully informed about the change and are appropriately consulted and have the same opportunities for consideration of alternative employment and other options as other affected staff.

Please refer to the Workforce Change Policy for further information.

6. Application Procedure

Employees wishing to apply for a career break should complete the application form at Appendix 3.

Applications should be submitted to the line manager at least 3 months prior to the proposed career break. Requests made less than 3 months before will be considered in exceptional circumstances.

The line manager should arrange to meet with the individual to discuss the application in more detail including the reason for the career break. The manager should ensure the individual has a copy of the Career Break Policy and understands the implications of taking a career break.

Managers are reminded to consider the implications on service delivery when considering career breaks.

Applicants will be notified in writing of the decision.

7. Appeals

In cases where the employee is unhappy with the decision reached, a right to appeal exists. This should be in writing, addressed to the nominated next tier manager within 14 days from the date of the decision letter.

The next tier manager will hear the appeal and arrange a meeting to discuss the grounds for appeal. The outcome will be communicated in writing to the employee within 14 days of the meeting.

There is no further right of appeal at this stage. If an employee feels that the Policy has not been adhered to they have the right to invoke the Grievance Policy.

8. Return to work

The date of return from a career break should be arranged by mutual agreement prior to the commencement of the break. The notice period required before the return to work should be two months if the break is less than a year and six months if the break is more than a year.

If the applicant returns to work within one year, the same job will be available, as far as reasonably practicable and subject to organisational change. If the break is longer than one year, the applicant may return to as similar a job as possible, or the same job if still available.

Employees who wish to return to work earlier than the date agreed at the start of the career break should submit their request at least three months in advance of their desired date of return. Although a return on the desired date cannot be guaranteed, the Trust will make every effort to accommodate the request.

The appropriate manager should arrange to prepare the employee for their return to work. In order to facilitate an effective return to work, employees will undertake a re-entry programme to include:

- A re-induction course (local to the workplace)
- Continuing on and off the job training
- Additional management support
- Attendance at Trust Induction Course if appropriate and /or completion of mandatory training e-learning modules
- A nominated person to give peer support

9. Professional Registration

If the individual has failed to maintain their professional registration, or a specific requirement pertaining to their role, they will forfeit their right to return to their former role, and the Trust may consider this as a breach of contract and reserves the right to terminate the employee's employment without notice. Employees will be required to provide evidence of their registration before their return to work. Managers should contact Business HR for further advice regarding the prospect of re-engagement in an alternative role whilst the member of staff explores re-registration or training opportunities.

10. Extension to Career Break

Employees who wish to delay their due date of return should submit their request in writing to the line manager at least two months in advance of the date agreed at the start of their career break. The revised period of employment break must not exceed the maximum period of five years. Where an extension is refused, the employee will have the right to request a review by the nominated next tier manager. The manager will take advice from Business HR. The decision will be final with no further right of appeal.

11. Where an Employee Decides not to Return to Work

If an employee wishes to end their employment during the career break, they should submit their resignation in writing to their line manager.

12. Disciplinary Action

Management reserves the right to require employees to return on the date stated on the Career Break Application Form. Failure to do so will be taken as a repudiation of the Contract of Employment and lead to the termination of employment.

13. Redundancy Rights

In the event of a redundancy situation arising during the period of the employee's absence on a Career Break, the terms of the Trust's Workforce Change Policy will be applied to the individual on a Career Break in the normal way. The period of a Career Break will not constitute a break in employment. However, it will not count as 'qualifying reckonable service' for the purpose of establishing entitlement to a redundancy payment. Individuals on a Career Break may, therefore, be eligible for a redundancy payment, providing they have attained the minimum qualifying periods of reckonable service prior to the commencement of a Career Break. In the event of a redundancy situation arising following the individual's return to work, the period of reckonable service before and after the break should be aggregated.

14. Vacancy Cover

When providing cover for an individual's work while on a Career Break, the following possibilities will be explored:

- A member of staff may be temporarily promoted (ie Acting Up). This may have real advantages in terms of staff development.

- Appointment on a fixed term contract.
- Secondment.
- If the length of the break is more than one year, then the vacancy may be filled on a permanent basis.

Arrangements for cover will be made prior to a final decision being made as to whether an individual can be approved to go on a Career Break.

15. Recording and Monitoring

All records of applications and decisions will be kept on an employee’s file and a record kept centrally in Human Resources, for a minimum of 12 months.

16. Informing I.T. of Extended Leave

Prior to an employee commencing a career break the appropriate manager must inform IT that the employee will be leaving the Trust for a career break. Please note that failure to communicate to I.T that an employee will be leaving the Trust for a career break will result in the user account being disabled and deleted within a 3 month period from leaving the Trust as per Trust policy.

17. Exceptions

No Exceptions.

18. Training

The Trust acknowledges the importance of awareness for managers to ensure the effective implementation of this Policy. The Business Human Resources Service will provide appropriate support as required.

19. Monitoring of compliance

Minimum requirement to be monitored	Process for monitoring e.g. audit/ review of incidents/ performance management	Job title of individual(s) responsible for monitoring and developing action plan	Minimum frequency of monitoring	Name of committee responsible for review of results and action plan	Job title of individual/ committee responsible for monitoring implementation of action plan

20. Relevant regulations, standards and references

- NHS Employers NHS Terms & Conditions of Service Handbook
- NHS Pensions Agency <http://www.nhsbsa.nhs.uk/career-break-guidance>

21. Equality, diversity and human right statement

The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This SOP should be implemented with due regard to this commitment.

22. Legal requirements

This document meets legal and statutory requirements of the EU General Data Protection Regulation (EU 2016/679) and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

23. Appendices

Appendix 1: Equality Impact Assessment

Title	
Strategy/Policy/Standard Operating Procedure	
Service change (Inc. organisational change/QEP/ Business case/project)	
Completed by	
Date Completed	

Description *(provide a short overview of the principle aims/objectives of what is being proposed/changed/introduced and the impact of this to the organisation)*

Who will be affected *(Staff, patients, visitors, wider community including numbers?)*

The Equality Analysis template should be completed in the following circumstances:

- **Considering developing a new policy, strategy, function/service or project(Inc. organisational change/Business case/ QEP Scheme);**
- **Reviewing or changing an existing policy, strategy, function/service or project (Inc. organisational change/Business case/ QEP Scheme):**
 - If no or minor changes are made to any of the above and an EIA has already been completed then a further EIA is not required and the EIA review date should be set at the date for the next policy review;
 - If no or minor changes are made to any of the above and an EIA has NOT previously been completed then a new EIA is required;
 - Where significant changes have been made that do affect the implementation or process then a new EIA is required.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations.

Section 1 should be completed to analyse whether any aspect of your paper/policy has any impact (positive, negative or neutral) on groups from any of the protected characteristics listed below.

When considering any potential impact you should use available data to inform your analysis such as PALS/Complaints data, Patient or Staff satisfaction surveys, staff numbers and demographics, local consultations or direct engagement activity. You should also consult available published research to support your analysis.

Section 1 – Initial analysis

Equality Group	Any potential impact? Positive, negative or neutral	Evidence <i>(For any positive or negative impact please provide a short commentary on how you have reached this conclusion)</i>
Age <i>(Consider any benefits or opportunities to advance equality as well as barriers across age ranges. This can include safeguarding consent, care of the elderly and child welfare)</i>		
Disability <i>(Consider any benefits or opportunities to advance equality as well as impact on attitudinal, physical and social barriers)</i>		
Gender Reassignment <i>(Consider any benefits or opportunities to advance equality as well as any impact on transgender or transsexual people. This can include issues relating to privacy of data)</i>		
Marriage & Civil Partnership <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on same sex couples)</i>		
Pregnancy & Maternity <i>(Consider any benefits or opportunities to advance equality as well as impact on working arrangements, part time or flexible working)</i>		
Race <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on ethnic groups including language)</i>		
Religion or belief <i>(Consider any benefits or opportunities to advance equality as well as any barriers effecting people of different religions, belief or no belief)</i>		
Sex <i>(Consider any benefits or opportunities to advance equality as well as any barriers relating to men and women eg: same sex accommodation)</i>		
Sexual Orientation		

(Consider any benefits or opportunities to advance equality as well as barriers affecting heterosexual people as well as Lesbian, Gay or Bisexual)

If you have identified any **positive** or **neutral** impact then no further action is required, you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address.

If you have identified any **negative** impact you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/Project Initiation Documents/Business case/policy document detailing what the negative impact is and what changes have been or can be made.

If you have identified any negative impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.

Section 2 – Full analysis

If you have identified that there are potentially detrimental effects on certain protected groups, you need to consult with staff, representative bodies, local interest groups and customers that belong to these groups to analyse the effect of this impact and how it can be negated or minimised. There may also be published information available which will help with your analysis.

<u>Is what you are proposing subject to the requirements of the Code of Practice on Consultation?</u>	Y/N
Is what you are proposing subject to the requirements of the Trust’s Workforce Change Policy?	Y/N
Who and how have you engaged to gather evidence to complete your full analysis? (List)	
What are the main outcomes of your engagement activity?	
What is your overall analysis based on your engagement activity?	

Section 3 – Action Plan

You should detail any actions arising from your full analysis in the following table; all actions should be added to the Risk Register for monitoring.

Action required	Lead name	Target date for completion	How will you measure outcomes

Following completion of the full analysis you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

Section 4 – Organisation Sign Off

Name and Designation	Signature	Date
Individual who reviewed the Analysis		
Chair of Board/Group approving/rejecting proposal		
Individual recording EA on central record		

Appendix 2: Roles and Responsibilities

Role	Responsibility
Chief People Officer	The Chief People Officer is responsible for ensuring that this Policy is fully implemented and that there is a continuing commitment to the training of managers in the implementation of policies.
Managers	The Trust expects Managers to use the detail within the framework of this policy to respond in a consistent but flexible way to individual employees needs, whilst ensuring service needs are not compromised.
Staff	The Trust expects staff to be open and honest with their Manager and explain fully the reasons for any request. Staff are urged to remember that whilst the organisation would always seek to support them, the needs of the service may on occasion require a Manager to be unable to grant a request. Staff can expect to receive a full explanation as to why their request cannot be granted.
Business Human Resources Service	<ul style="list-style-type: none"> • To provide support and advice to staff on any aspect of their employment, terms and conditions of services • To promote the policy and give general guidance and support to managers • To promote consistency policy application across the Trust in order to achieve a balance between organisational requirements and individual needs. • To provide access to training on flexible working practices and the implementation of policies where appropriate.
Staff Side Representatives	Staff side representatives have a key role to play in the welfare of staff. They contribute to discussions and subsequent actions on matters concerning all aspects of staff welfare. Staff side will also inform and advise their members on the interpretation of the career break scheme.

Appendix 3: Career Break Application Form

Name	
Position	
Department	
Start date with the Trust	
Employee Number	
Reason for career break	
Proposed start date	
Proposed return date	
Contact details during the career break	Address: e-mail: Phone number/s

I have read the Career Break policy and understand the impact the break will have on my employment status and terms and conditions.

Signed	
Name (print)	
Date	

Section B – To be completed by the Line Manager

Name	
Position	
Do you support this application?	Yes No
Contractual Change Form completed.	Yes
Reason why application is not supported	
Signed	
Date	

Copy of this form to be retained on personal file.

Appendix 4: Application for Paid Days Employment – Career Break Policy

Should you have any queries regarding the completion of this form, please contact the Employment Services Team on: 0151 706 5124 or 4299.

If completing this form by hand please complete in CAPITALS and use BLACK INK only.

Employee Details*		
Trust _____		
Employee No _____		
Surname _____		
First Names _____		
Paid Days Employment		
Paid days employment begins	Days to be paid	Hours to be paid
Employee Signature		
Employee Signature: _____ Date: _____		
Manager Signature		
Manager Signature: _____ Date: _____		

This form should be submitted to the Payroll Department (payrolluh@sthk.nhs.uk).

Appendix 5 - Example Letter: Declining a Request for Career Break

Dear

Re: Declined Career Break Request

I refer to our meeting held on [date] at which we discussed your request for a Career Break from (DATE) until (DATE).

Having given the matter thorough consideration, I regret that the Trust is unable to agree to your request. The [reason/reasons] for this [is/are] set out below.

-
-
-

You have the right to appeal against the decision to refuse your request for a career break. If you wish to appeal, you must do so in writing **within 14** days of receipt of this letter to [name or job title of appropriate senior manager]. Your letter requesting an appeal meeting must set out the grounds on which you wish to appeal against the Trust's decision as set out above.

Yours sincerely

Appendix 6: Career Break Flowchart

Flowchart Career Break

