

CAREER BREAK POLICY

DECEMBER 2018

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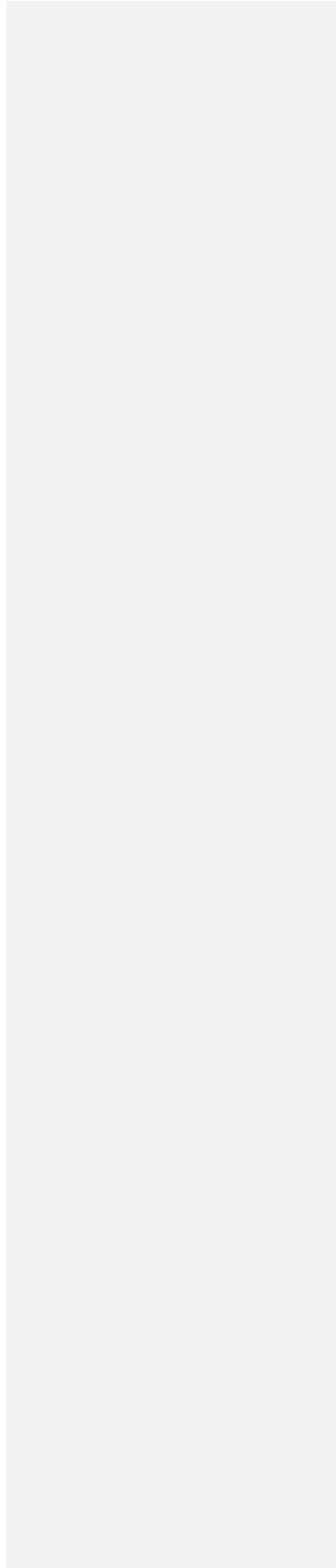
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Name of Policy:	HR 05
Date Issued:	
Date to be reviewed:	4 years or if statutory changes are required

Policy Title:	Career Break Policy	
Supersedes: (Please List)	Previous Career Break Policy issued 25 September 2015	
Description of Amendment(s):	Updated policy template; 2. clarified that will apply to all staff directly employed by the CCG; moved wording from v1.1 'principles' to 10.0 'training and awareness; 3.0 policy purpose added; 5.2 standard bribery wording added; 6.0 NHS constitution wording added; 8.5 wording changed ;Appendix 3 updated.	
This policy will impact on:	All staff	
Policy Area:	HR	
Version No:	2	
Author:	HR Team	
Effective Date:		
Review Date:		
Equality Impact Assessment Date:		
APPROVAL RECORD		Date:
	Social Partnership Forum Sub group	
	Social Partnership Forum	
	Governing Body	
Consultation:	All Staff	17/05/19
	SLT	12/18

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1. INTRODUCTION

The Hull Clinical Commissioning Group (hereafter referred to as “The CCG”) 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 between 3 months and up to 5 years.

2. SCOPE

This policy will apply to all staff directly employed by the CCG for a minimum of 12 months.

3. POLICY PURPOSE AND AIMS.

The Career Break Policy has been designed to allow employees the opportunity to take an unpaid break from their employment of between 3 months and up to 5 years.

4. GENERAL DATA PROTECTION REGULATION (GDPR)

The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCGs Data Protection and Confidentiality and related policies and procedures.

5. IMPACT ANALYSIS

5.1 Equality

The CCG is committed to eliminating discrimination and promoting equality and diversity in its Policies, Procedures and Guidelines

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, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

In developing this policy, an Equality Impact Analysis has been undertaken and is attached at Appendix 4. As a result of the initial screening, the policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are required at this stage.

The application of this policy will be monitored alongside recruitment monitoring data to ensure fair application.

5.2 Bribery Act 2010

NHS Hull Clinical Commissioning Group has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010.

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed. The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>.

If you require assistance in determining the implications of the Bribery Act please contact the Local Counter Fraud Specialist on telephone number 01482 866800 or email at nikki.cooper1@nhs.net.

Due consideration has been given to the Bribery Act 2010 in the development of this policy (or review, as appropriate) of this policy document and no specific risks were identified.

6. NHS CONSTITUTION

6.1 The CCG is committed to:

Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

6.2 This Policy supports the NHS Constitution as follows:

The NHS aspires to the highest standards of excellence and professionalism in the provision of high-quality care that is safe, effective and focused on patient experience; in the planning and delivery of the clinical and other services it provides; in the people it employs and the education, training and development they receive; in the leadership and management of its organisations; and through its commitment to innovation and to the promotion and conduct of research to improve the current and future health and care of the population.

7. PRINCIPLES

7.1 For statutory purposes, the period of the break will count towards continuous employment, however all other terms and conditions of employment including pay point

and/or step point progression, with the CCG will be suspended. The period of the career break will therefore not count as service when calculating contractual entitlement to benefits such as annual leave, sick pay, contractual redundancy payments and any other benefits dependent upon length of service. There will be no entitlement to benefits, such as sick pay, during the period of the break. Please refer to the Agenda for Change Handbook for further information.

7.2 To qualify for a Career Break, employees must:

- have been employed by the CCG, continuously for a period of twelve months or more;
- have demonstrated a commitment to continuing their career with the CCG;
- have the approval of their line manager or an appropriate authorising manager, 3 months before the commencement of their break.

7.3 Subject to business needs, applications will normally be approved for the purpose of:

- caring for a sick or dependent relative;
- caring for children;
- personal reasons e.g. following ill health.

Subject to business needs, applications *may* be approved for the purpose of:

- extended periods of travel or voluntary services;
- undertaking further education.

Any other reason will be considered on its merit.

7.4 The length of the career break will normally be for a minimum of 3 months up to a maximum of 5 years. More than one career break may be granted in the course of employment provided the combined length of the breaks does not exceed the maximum of 5 years.

8. EMPLOYEE - CONSIDERATIONS/ ROLES/ RESPONSIBILITIES

8.1 REQUESTS

Employees wishing to apply for a career break must complete the application form at Appendix 1, and submit it to their line manager. Both the proposed commencement date and return to work date must be included.

8.1.2 Applications must be submitted to the authorising manager, at least 3 months prior to commencement of the intended break. Requests made less than 3 months before, will be considered only in exceptional circumstances.

8.1.3 The individual must also complete the form at Appendix 2 to confirm their option in respect of their pension membership during the break (see 8.2.5 below).

8.1.4 Applicants will be notified in writing of the decision within 21 calendar days of the

date of submission of their application.

8.1.5 Employees may use the grievance procedure if a request for a break is not agreed.

8.2 REQUEST AGREED

8.2.1 All accrued annual leave must be taken before commencement of the career break. No payment in lieu of outstanding leave will be made, neither will any “carry over” of leave be allowed. There is no entitlement to annual leave during the career break. On return to work, entitlement to annual leave would be the same as when the break started, and the period of the career break will not count as reckonable service for leave purposes.

8.2.2 If an employee wishes to continue their trade union membership during the break, they will need to review how their payments are made, to ensure payments are continued as required.

8.2.3 On return to work, employees would resume, for pay purposes, at the same pay point which had been reached at the time the career break began, subject to restructuring or substantial organisational change. If applicable, step point dates will be deferred accordingly, to ensure that the employee’s terms remain unchanged.

8.2.4 Employees commencing a career 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 career break.

8.2.5 Pensions – an employee may choose to continue making contributions to the NHS Pension Scheme during a career break. The form at Appendix 2 must be completed prior to the break to determine the employee’s option in respect of their pension. Arrangements for continuing payments must be made prior to commencement of the break. For the first 6 months contributions are payable, by both the employee and employer, as if the employee was at work. An individual who has paid contributions regularly during the first 6 months of a break, may continue to contribute to the Scheme for a further period of up to 18 months (maximum of 2 years). During the extended period, the employee will be responsible for paying both their own and the employer’s contributions. Contributions will be based on the employee’s normal pensionable pay. They must continue to be paid monthly, by standing order or Direct Debit; arrears will not be allowed to accumulate.

Further information is available from the NHS Pensions Agency website.

8.2.6 Employees will be expected to maintain contact with their line manager and inform them and/or the CCG of any changes to personal circumstances, i.e. change of home address.

8.2.7 Employees on a career break will not normally be allowed to undertake any other paid employment with another employer during the career break except where, for example, work overseas or charitable work could broaden experience. In such circumstances written approval is to be sought prior to the start of the career break.

8.2.8 When on a career break, an employee is free to apply for other positions within the

CCG. However, employees are to note, if they be successful, continuation of the career break cannot be guaranteed as it will depend upon the business needs and exigencies 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.

8.3 RETURN AFTER A CAREER BREAK

8.3.1 Employees will be required to give written notification of their return to work. Where the career 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.

8.3.2 Employees wishing to return earlier than originally anticipated must give 2 months' notice in writing.

8.3.2a Employees wishing to extend the length of their career break must apply in writing, at least 2 months' before the agreed end, to enable appropriate consideration for the extension.

8.3.3 Where an employee returns to work within a year, they will return to the same post they held when the career break started, as far as is reasonably practicable. If this is not possible, due to restructuring etc., or if the break has been for longer than a year, then every effort will be made to find the employee a post with similar duties and responsibilities to those of the previous post held. If it is not possible to find a suitable similar position then redundancy may be considered.

8.4 CHANGE TO LENGTH OF CAREER BREAK

8.4.1 Employees wishing to return earlier than originally anticipated must give 2 months' notice in writing.

8.4.1a Employees wishing to extend the length of their career break must apply in writing, at least 2 months' before the agreed end, to enable appropriate consideration for the extension.

8.4.2 Where an employee returns to work within a year, they will return to the same post they held when the career break started, as far as is reasonably practicable. If this is not possible, due to restructuring etc., or if the break has been for longer than a year, then every effort will be made to find the employee a post with similar duties and responsibilities to those of the previous post held. If it is not possible to find a suitable similar position then redundancy may be considered.

8.4.3 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.

8.5 FAILURE TO RETURN

Failure to return from employment break on the agreed specified date without seeking a formal extension will be regarded as unauthorised absence and may lead to formal disciplinary proceedings.

9. LINE MANAGER - CONSIDERATIONS/ROLES/RESPONSIBILITIES

- 9.1.1 In deciding whether to support an applicant, the authorising manager are to satisfy themselves the individual has a clear commitment to continuing a career with the CCG, and the reasons for requesting the break are valid. They must also ensure that approving the request will not cause detriment to the CCG and therefore it is likely they will need to discuss with senior leaders in the CCG prior to approval being granted. For example, requests may be refused where the career break may have a detrimental impact on the quality of service delivery. One way to cover a career break would be through a fixed term contract or secondment agreement. It is recommended that HR advice is sought particularly in relation to the contractual implications of this in individual cases.
- 9.1.2 The line manager will notify the employee in writing of the decision within 21 calendar days of the date of submission of their application. A copy must be sent to the Human Resources Team by the manager.
- 9.1.3 All records of applications and decisions will be kept on an employee's file and held centrally by the Human Resources Team.
- 9.1.4 Prior to an employee commencing a career break, where applicable, managers must ensure appropriate arrangements have been made in respect of company property, i.e.
- Return (or otherwise) of a lease car;
 - Return of Organisation property, such as mobile telephones, lap tops, keys, etc.
- 9.1.5 Managers, where appropriate, are to make every opportunity to maintain contact with those staff taking career breaks. The amount and level of contact will vary depending on the length of the career break and the individual circumstances relating to the break.
- 9.1.6 If organisational change occurs, such as a significant restructure, whilst an employee is on a career break, line managers are to contact them using the contact details provided to the CCG, so that communication about the change is received by them. Consultation relating to proposed changes affecting their employment will take place as appropriate and as soon as is reasonably possible in accordance with the relevant CCG policies. HR advice is to be sought as required to manage this process.
- 9.1.7 Where an employee returns to work within a year, their line manager is to support their reintegration and return to the same post they held when the career break started, as far as is reasonably practicable. If this is not possible, due to restructuring etc., or if the break has been for longer than a year, then every effort will be made to find the employee a post with similar duties and responsibilities to

those of the previous post held. If it is not possible to find a suitable similar position then redundancy may be considered. Line Managers are to seek HR advice in managing this process in accordance with the related CCG policies.

9.1.8 Where an employee fails to return, reasonable attempts are to be made to communicate with them in order to agree an end date, through written communication to their most recent address. Where these attempts have proved to be unsuccessful, the line manager will regard this as unauthorised absence and refer to the disciplinary policy.

10. **TRAINING AND AWARENESS**

10.1 Training and support will be available to all Line Managers in the implementation and application of this policy.

9.2

11. **MONITORING AND EFFECTIVENESS**

Applications made in line with this policy will be monitored by the Human Resources Team. Applications and outcomes will be recorded centrally.

11.2. **POLICY REVIEW**

12.1 This policy and procedure will be reviewed every 4 years by Human Resources team in conjunction with the Senior Leadership Team and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

13. **ASSOCIATED DOCUMENTATION**

- Grievance Policy
- Change Management Policy
- Other Leave Policy
- Pay Progression Policy
- Maternity Leave Policy
- NHS Agenda for Change Handbook

APPENDICES

Appendix 1: Career Break Scheme - Application Form

FULL NAME	CCG SERVICE AREA
ASSIGNMENT NUMBER	START DATE WITH THE CCG

THIS FORM Is to BE SUBMITTED TO Your LINE MANAGER WITH A COPY TO THE HUMAN RESOURCES TEAM AT LEAST 3 MONTHS BEFORE THE CAREER BREAK IS TO START

I would like my career break to start on:	
I would like to return to work on:	
Reason for career 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 Career Break Scheme. I confirm that:

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

SIGNATURE OF EMPLOYEE	DATE

To be completed by the Line Manager / nominated deputy

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

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

Appendix 2: Career Break Financial Agreement

FULL NAME	CCG SERVICE AREA
ASSIGNMENT NUMBER	START DATE WITH THE CCG
START DATE OF CAREER BREAK	DATE OF RETURN TO WORK

I confirm that:

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

Please select ONE of the following four options

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

HR Procedure for Recording and Monitoring Career Break Applications

1 A copy of the Career Break Scheme Application Form (Appendix 1) is sent by the individual to the Human Resources (HR) Team.



2 A copy of the response letter is to be provided by the manager to the HR Team.



3 An HR administrator will record the request and outcome. Equality and Diversity monitoring information will also be obtained from ESR and held on this record.



4 The HR Team will contact managers to obtain details of the response if this is not provided in a timely manner.



5 Annual reports will be produced by the HR Team and provided to the CCG management team.

Appendix 4



Clinical Commissioning Group

HR / Corporate Policy Equality Impact Analysis:									
Policy / Project / Function:	Career Break Policy								
Date of Analysis:	18/03/2019								
Completed by: (Name and Department)	Human Resources								
What are the aims and intended effects of this policy, project or function?	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.								
Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?	No								
Please list any other policies that are related to or referred to as part of this analysis	<ul style="list-style-type: none"> Grievance Policy Change Management Policy Other Leave Policy Pay Progression Policy 								
Who will the policy, project or function affect?	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Employees</td> <td style="text-align: right;"><input checked="" type="checkbox"/> ✓</td> </tr> <tr> <td>Service Users</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Members of the Public</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Other (List Below)</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>	Employees	<input checked="" type="checkbox"/> ✓	Service Users	<input type="checkbox"/>	Members of the Public	<input type="checkbox"/>	Other (List Below)	<input type="checkbox"/>
Employees	<input checked="" type="checkbox"/> ✓								
Service Users	<input type="checkbox"/>								
Members of the Public	<input type="checkbox"/>								
Other (List Below)	<input type="checkbox"/>								
What engagement / consultation has	Consultation has taken place both nationally								

<p>been done, or is planned for this policy and the equality impact assessment?</p>	<p>and locally with Trade Unions and staff</p>
<p>Promoting Inclusivity and Hull CCG's Equality Objectives.</p> <p>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> 1. Ensure patients and public have improved access to information and minimise communications barriers 2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job 3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve 4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs 	<p>This policy does promote inclusivity by providing an option to all employees which could have positive impacts on different protected characteristics as set out below.,</p>

<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p>	<p>Yes <input type="checkbox"/></p> <p>X <input type="checkbox"/></p>

<p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <p>1: Recruitment data, e.g. applications compared to the population profile, application success rates</p> <p>2: Complaints by groups who share / represent protected characteristics</p> <p>4: Grievances or decisions upheld and dismissed by protected characteristic group</p> <p>5: Insight gained through engagement</p>	<p>No</p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</p>
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<p>Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups? (Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)</p>				
Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> ¹ exists (see footnote below – seek further advice in this case)
Gender		✓		It is generally the case that women are more likely to access

1. ¹ The action is proportionate to the legitimate aims of the organisation (please seek further advice)

				a career break for childcare reasons. This is a positive impact. It is noted that this is in addition to leave incorporated under the Maternity, Maternity Support (Paternity), Adoption and Parental leave policy. However, in a changing society increasing numbers of men might be likely to take this up as it is open to all.
Age		✓		The policy might have an impact on those who may wish to take time out to travel.
Race / ethnicity / nationality		✓		<u>There is no data / evidence to suggest this policy would have any impact on staff of different nationalities or ethnicities. However, staff from other nationalities / ethnicities may wish to travel for extended periods. This policy provides a mechanism to consider meeting this need</u> A career break could be used to facilitate an employee undergoing a religious rite of passage or taking an extended faith related journey.
Disability		✓		A career break may be offered to support an employee suffering a long term health condition


				classed as a disability or with adjusting to a new disability. Or those who may need a career break due to caring responsibilities related to disability.
Religion or Belief		✓		A career break could be used to facilitate an employee undergoing a religious rite of passage or taking an extended faith related journey.
Sexual Orientation	✓			This has been considered and has a neutral impact.
Pregnancy and Maternity		✓		Employees who wish to extend their leave beyond maternity leave can use this policy.
Transgender / Gender reassignment		✓		A career break may be used to support an employee undergoing gender reassignment.
Marriage or civil partnership	✓			This has been considered and has a neutral impact.

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
No identified risks,	Monitoring the uptake and use of the policy by			

Comment [WU1]: Details of leads and other information to be populated.

however equal application is essential.	protected characteristic.			
Limited equality data available for the CCG	The EQUIA has been carried out with consideration for all protected characteristics regardless of the make-up of the current workforce to ensure the policy is non-discriminatory and fit for purpose now and in the future.			
*				

Sign-off	
All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs	
I agree with this assessment / action plan	
If <i>disagree</i> , state action/s required, reasons and details of who is to carry them out with timescales:	
	
Signed: _____	
Date: 18.07.19	