

Employment Break Policy

Reference No:	P_HR_57
Version:	7
Ratified by:	LCHS Trust Board
Date ratified:	11 September 2018
Title of Author:	Employment Policy Group
Name of responsible committee/individual:	Workforce Operational Lead
Date issued:	September 2018
Review date:	September 2020
Target audience:	All staff
Distributed via:	Website

**Lincolnshire Community Health
Services NHS Trust Employment Break**

Policy

Version Control Sheet

Version	Section/Para/ Appendix	Version/Description of Amendments	Date	Author/Amended by
1	To be archived	Approved December 2006	December 2006	SM
2	Inserted Version Control Sheet Inserted Policy Statement page Inserted Equality Statement	In line with Policy for Development and Management of Policies.	September 2008	LC
3	Name changed from Employment (Career) Break Scheme	Career Break Policy	March 2009	SM
	Page 6 under Eligibility and General Conditions Re-templated	Legislation in relation to pensions contributions has been added	April 2009	SM
3.1	Whole Document	Policy re-aligned following implementation of Transforming Community Services agenda (TCS) and new entity.	15 March 2011	Rachael Ellis-Ingamells
4	Whole Document	Policy review in line with organisational change	May 2011	John Watkinson
4.1	Section 2	Updates to section 2 with additional minor changes in line with organisational change	August 2011	John Watkinson
4.2	Section 2 and Additional	Amendments to sections 2.4 and 2.6 and addition of	September 2011	Rachael Ellis-Ingamells

	Appendix	Appendix 2		
4.3	Whole Document	Amendments made following review	October/November 2011	Rachael Ellis-Ingamells
4.4	Page 10	NHSLA Monitoring added	March 12	Rita Trewartha
4.5	Page 9	Additional section of approving a request for a career break	Nov 2013	Natasha Brearley
	Appendix 2	Added in section for NI number	July 2014	Lyndsey Clapham
	Page 3	Updated section on training	July 2014	Lyndsey Clapham
	2.4	Updated reference to carrying out mandatory training	July 2014	Lyndsey Clapham
5	Page 11	Inserted E&D Statement	August 2014	Lenore Couchman
	Whole Doc	Added LCHS Header and Footer	August 2014	Lenore Couchman
	2.9	Trade Union Membership section 2.9 removed at staffside request	August 2014	Lenore couchman
6	Whole Document		May 2016	Karla Richards
7	Whole document	Changed title to Employment Break Scheme as detailed in NHS T&Cs. Repetition removed	July 2018	Laura Herrick

Copyright © 2018 Lincolnshire Community Health Services NHS Trust, All Rights Reserved. Not to be reproduced in whole or in part without the permission of the copyright owner.

Employment Break Policy Statement

Background	<p>LCHS wishes to provide its staff with the opportunity to leave their employment for a specified duration and to return to work after having an employment break. This scheme enables employees to take a longer period away from work than that provided for by parental leave and other leave arrangements. This policy sets out the eligibility criteria for employees who may wish to have an employment break and also specifies the conditions which should be adhered to by both the employee and LCHS.</p>
Statement	<p>The employment break scheme reflects the importance that LCHS places on attracting and retaining skilled staff and its commitment to the LCHS Way.</p> <p>The precise details of the arrangement are subject to the agreement of the individual, set out in writing and signed by both parties.</p>
Responsibilities	<p>Employees who wish to apply for an employment break should do so in writing to their line manager (see appendix 1). A meeting will then be arranged with the employee and their line manager where a decision will be made. This should then be confirmed in writing within 10 working days.</p> <p>Managers of successful applicants should then complete a change form (EF2) to notify a change to the employee's contract and send to Workforce Services</p>
Training	<p>All employees should take personal responsibility to familiarise themselves with new and revised policies.</p>
Resource implication	<p>The costs involved would be associated with back-filling the post of the employee who is on an employment break and may include training costs for cover. There may also be a cost if the person on employment break opts to continue to pay pension contributions as LCHS will need to pay their percentage for a period of 6 months.</p>

Employment Break Policy

CONTENTS

i Version Control sheet

ii Policy Statement

Section	Page
1. Introduction	6
2. Eligibility	6
3. Approving a request for a employment break	9
4. Breach of Employment break Arrangements/Resignation	10
5. Return to Work	10
6. Post Guarantee	10
7. Equality & Diversity Statement	11
Appendix 1 Employment break Agreement	13
Appendix 2 Employment break Financial Agreement	15
Appendix 3 Equality Analysis	18

Lincolnshire Community Health Services NHS Trust

Employment Break Policy

1. Introduction

LCHS wishes to provide its staff with the opportunity to leave their employment for an employment break of specified duration and to return to work at the end of the period. This Employment Break Scheme enables them to take a longer period away from work than that provided for by parental leave and other leave arrangements.

Such breaks shall be unpaid, however employees remain bound by their Terms and Conditions of employment and are expected to act in accordance with Trust policy where relevant

This policy aims to ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, civil partnership/marital status, colour, race, nationality, ethnic or national origins, creed, religion/belief, disability, age or trade union membership, or is disadvantaged by conditions or requirements which are not justified by the job.

In all cases, the precise details of the arrangement shall be subject to agreement with the individual, set out in writing and signed by both parties.

2. Eligibility and General Conditions

The scheme shall be open to any employee, whether full or part time, having continuous employment with LCHS of twelve months or more.

2.1 Qualifying Circumstances

The range of qualifying circumstances will include family and domestic reasons such as the care of children, eldercare, care for another dependent, training, study leave or work abroad. Other reasons for an employment break will be considered on their merits.

2.2 Granting Request

In considering whether to grant a request for a employment break, regard shall be given to such factors as the needs of the service, and the detailed circumstances surrounding the application.

2.3 Duration

The maximum length of employment break shall be five years and the minimum not normally less than 3 months.

2.4 Arrangements

The arrangements shall include provision for the employee to maintain contact during the employment break period. This will include periods of paid work during the break, normally a minimum of ten days per annum, but should include mandatory training as a priority and

refresher training as appropriate to the field of work. Such periods will be covered by separate short-term contractual arrangements which should be agreed in writing and documented within the context of the overall agreement. The manager should ensure that payroll is appropriately instructed to pay any time accrued in this way.

The detailed arrangements shall include full details of the conditions for return to work and provisions for:

- Annual re-commitment to the terms and conditions agreed
- Variation by mutual agreement

The employee may request an early return to work at any time; however, the organisation may not be able to accommodate this but will honour the request wherever possible. The organisation will liaise with the employee to try and achieve an early return but the employee will need to consider posts that may be a different role and/or banding to those prior to the Employment break up to the agreed return date.

Should an employee wish to extend their employment break, they must do so in line in writing to their line manager no later than 2 months prior to the end date of their original employment break. The extension request will be considered in line with section 3, 4 and 5 of this policy, with the opportunity to appeal the decision in the event of a refused request.

In the event of organisational change staff will be subject to normal processes of consultation, this may include potential issues such as, being placed at Risk, subject to TUPE or may be required to go through a competitive interview process. It is the employee's responsibility to ensure the organisation has up to date contact details, and is available for consultation.

2.5 Continuity of Employment

Applicants should not have to resign to take an employment break, although there will be a change to the contract of employment.

The period of the break should count toward continuous employment for statutory purposes. Other provisions depending upon length of service, i.e. contractual redundancy payments, leave entitlements etc, should be suspended for the period of the break.

2.6 Pensions – NHS Pensions

An employee on a Employment break will have the option to continue to pay pension contributions. If they opt to do so then the organisation will pay the employer's contribution for a period of 6 months. At the end of the 6 months the employee will then have the option to continue to pay both their own and the employer's percentage for up to a maximum of a further 18 months.

Before the employment break commences the agreement in Appendix 2 must be completed and the employee must ensure that a standing order/direct debit is agreed for the employee pension contributions to be paid during the employment break. The payments will be made by the employee at the beginning of the month to allow sufficient time for the pension monthly deductions to be paid over by the 19th of the month. It is not possible for the employee to accrue contributions; if deadlines are missed then the employee will be taken out of the scheme from the last date that contributions were made. When the employee

returns to NHS employment then the manager/employee should complete an EF2 and notify Payroll Shared Services..

Employees are strongly encouraged to seek advice on how a employment break may affect their pension, prior to submitting any application under this policy.

2.7 Lease Vehicles

Lease car users taking a employment break will be expected to undertake by written agreement one of two options:-

a) To terminate the contract, return the car prior to the commencement of the employment break and pay any penalties that occur.

or

b) To keep the car and continue to pay via a direct debit monthly arrangement taking on the full cost of the lease, including insurance, until the contract expires or they return to work, whichever occurs first. Users are advised that there may be tax implications for this option and HRMC should be contacted for further guidance. Please refer to the Lease Car policy for any further implications.

Lease car contracts terminating during the break will not be replaced until the user returns to work, further information is contained within the Lease Vehicle Scheme Policy

2.8 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 nor any "carry over" of leave allowed. There is no entitlement to annual leave during the employment break. On return to work, entitlement to annual leave would be the same as when the break started, and the period of the employment break will not count for reckonable service for leave purposes.

2.9 Long Service Award

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

2.10 Asset Management – Property

Prior to an employee commencing a employment break, where applicable, managers must ensure that appropriate arrangements have been made in respect of the organisations property, i.e.

- Return (or Otherwise) of Lease car;
- Return of the organisations property, such as mobile telephones, laptops, keys, etc.

2.11 Professional Registrations

All professional registrations must be maintained whilst on a employment break, therefore the employee must comply with the requirements of the Professional Registration Policy and their registered body at all times during the employment break

3. Employment break Application and Approval Process

An employee wishing to apply for a employment break under the employment break scheme will be required to do so in writing to their line manager setting out the reason and the duration of absence required. (See appendix 1). The employees Employment break request will be considered by their line manager in the circumstances existing at that time taking account of the demands of the organisation and it's ability to cover the absence.

There is no guarantee that an application for a Employment break will be accepted. Employees should not commit themselves to plans before their application for an Employment break has been agreed.

Management will review the following factors when considering an employee's employment break application:

- (a) The purpose of, or reasons for, the Employment break
- (b) The period of absence requested.
- (c) The number and length of any previous employment breaks taken.
- (d) The number, length and reasons for any previous absence.
- (e) The operational needs of our business and your team
- (f) The need to retain your skills, knowledge and experience.
- (g) The potential to be able to cover your post on a temporary basis.
- (h) The potential benefits of the proposed employment break

Where it is considered that it might be helpful a meeting will be held to discuss your request. The employee will have right to be represented by a Trade Union Representative or a workplace colleague not acting in a professional or legal capacity representative (if wished), with the line manager and a HR representative also in attendance. The decision will be made at this meeting after hearing the applicant's case and should then be confirmed in writing within 10 normal working days.

Should an application be refused the reason for this will be confirmed in writing. An individual has the entitlement to making another application after a period of 12 months. Applicants should follow the organisation's Grievance Policy if they are not satisfied with the outcome.

Successful applicants will not have to resign to take an employment break although there will be a change to the contract of employment which should be notified on an EF2 change form to the Workforce Services Team. IT helpdesk should also be notified in relation to IT equipment and e-mail address.

Appendix 1 and 2 of this policy must also be completed and signed by the line manager and employee and shared with the Workforce Services team and payroll respectively prior to the employee commencing their employment break.

4. Breach of Employment break Agreements/Resignation

A breach of the terms of employment break agreement by the individual may result in termination of contracts by the organisation with the result that no further contract of employment may be entered into.

Should the person resign during a employment break there may be financial implications e.g. penalties regarding prior agreements/disclaimers in relation to external training costs lease car or salary sacrifice which the organisation could seek to reclaim.

5. Return to Work

If a employment break lasts longer than 18 months the first two working weeks of the employee's return to work will be treated as a re-induction to the workplace/service and should be planned as such with attendance on the corporate induction training and managers to re-visit the local induction checklist.

For any break of less than 18 months a work place re-induction will be arranged accordingly to ensure that the employee is brought up to date with changes and is enabled to re-skill and will include attendance on appropriate annual mandatory training. Records should be kept by the line manager of the re-induction.

6. Post Guarantee

A employment break agreement entitles the individual to return to work in a similar post, on the same banding, terms and conditions but does not preclude a variation in working arrangements on recommencement.

If the only alternative post available is one of a lower grade then protection of pay may apply in accordance with the organisation's Transforming Services Matters Policy.

All breaks should be subject to an agreement between the employer and applicant before the break begins.

The agreement should cover:-

- the effect of the break on various entitlements related to length of service;
- a guarantee that, if the applicant returns to work within one year, the same job will be available, as far as is reasonably practicable;
- if the break is longer than one year, the applicant may return to as similar a job as possible;
- return to work at the equivalent salary level, reflecting increases awarded during 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;
- arrangements for keeping in touch during the break;
- Requirements on the applicant to keep up to date with their relevant professional registration needs, including attendance at specified training courses and

conferences, and any assistance the employer may give in the support of this;

- training arrangements for re-induction to work;
- any other conditions required either by the employer or the applicant;
- Individual is to make arrangements for continuing to pay their union subscriptions if applicable;
- Individuals should contact the Pensions Department in order to make pension arrangements during the break;

7. Equality and Diversity Statement

This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.

NHSLA Monitoring Template

Minimum requirement to be monitored	Process for monitoring e.g. audit	Responsible individuals/ group/ committee	Frequency of monitoring/ audit	Responsible individuals/ group/ committee (multidisciplinary) for review of results	Responsible individuals/ group/ committee for development of action plan	Responsible individuals/ group/ committee for monitoring of action plan
Number of employed staff on employment break	Auditing of absence report	HR team	Annual Report	Workforce Delivery Group Management Meeting Workforce Executive Group	HR	Workforce

Appendix 1

Employment break Agreement

Name of Applicant:
Occupation:.....Location:.....
Date of commencement:..... Hours:.....

Reason for Employment break:

Requested duration of break:

Agreement reached at meeting on:

Names of people in attendance:

Conditions of Employment break: (note any specifics agreed at the meetings) as per the organisation's Employment Employment break Scheme guidance:

General Comments of Manager:

Proposals for period of work/training:

Signature of Employee:

Signature of Manager:

Date:

PLEASE FORWARD THIS AGREEMENT TO WORKFORCE SERVICES, BEECH HOUSE, LINCOLN.

Appendix 2

Employment break Financial Agreement

Upon commencement of a Employment break the employee has the right to choose if the break of up to two years is Pensionable. When selecting to treat the break as Pensionable Service the employee remains liable for Monthly Pension Contributions. Initially, for the first six months of the Employment break, the employee will pay their contribution and the Trust will continue to pay the employer contribution. After six months the employee may continue to pay an additional 18 months employee contribution but must also pay the employer contribution.

All contributions will be based on pre-break earnings.

Where the Employee selects to treat the break as Pensionable they agree to make monthly payments to the Trust via standing order / direct debit.

Application:

Name: _____

National Insurance Number: _____

Payroll Number: -

Job Title: _____

Department: _____

Employment break Details

Commencement:

Duration:

Please select either:

Option 1:

I do not wish my employment break to be treated as Pensionable Service

Option 2:

I wish to treat the initial six months my employment break as pensionable and undertake to pay monthly employee contributions via standing order / direct debit*.

Option 3:

I wish to treat the full term of my employment break as pensionable (up to maximum of 2 years) and undertake to pay monthly employee contributions for the first six months and

thereafter employee and employer contributions. All contributions will be made via standing order / direct debit *.

Please circle your option choice:

Option 1

Option 2

Option 3

Signed: Date:

*A standing order mandate /direct debit will be sent to the applicant once pension contributions

payable during the employment break have been calculated. This must be signed and returned immediately.

On return to work following the Employment break any difference between actual contributions made and employee standing order payments will be adjusted through the employees pay.

PLEASE FORWARD THIS AGREEMENT TO WORKFORCE SERVICES AND PAYROLL WITH A COPY OF YOUR APPROVED EMPLOYMENT BREAK APPLICATION FORM.

Appendix 3

Equality Analysis

Name of Policy/Procedure/Function* Employment break	
Equality Analysis Carried out by:	Laura Herrick
Date:	13 July 2018
Equality & Human rights Lead:	Rachel Higgins
Director\General Manager:	Maz Fosh

***In this template the term policy\service is used as shorthand for what needs to be analysed. Policy\Service needs to be understood broadly to embrace the full range of policies, practices, activities and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice. This includes existing policies and any new policies under development.**

Section 1 – to be completed for all policies

A.	Briefly give an outline of the key objectives of the policy; what it's intended outcome is and who the intended beneficiaries are expected to be	The key objectives of the policy are:- The organisation wishes to provide its staff with the opportunity to leave their employment for a employment break of specified duration and to return to work at the end of the period. This Employment break Scheme enables them to take a longer period away from work than that provided for by parental leave and other leave arrangements.		
B.	Does the policy have an impact on patients, carers or staff, or the wider community that we have links with? Please give details	This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee or patient receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership		
C.	Is there is any evidence that the policy\service relates to an area with known inequalities? Please give details	No evidence		
D.	Will/Does the implementation of the policy\service result in different impacts for protected characteristics?	NO		
		Yes	No	
	Disability		x	
	Sexual Orientation		x	
	Sex		x	
	Gender Reassignment		x	
	Race		x	
	Marriage/Civil Partnership		x	
	Maternity/Pregnancy		x	
	Age		x	
	Religion or Belief		x	
	Carers		x	
If you have answered 'Yes' to any of the questions then you are required to carry out a full Equality Analysis which should be approved by the Equality and Human Rights Lead – please go to section 2				
The above named policy has been considered and does not require a full equality analysis				
Equality Analysis Carried out by:		Laura Herrick		
Date:		13 th July 2018		