

Employment Break Policy

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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
8	Whole document	Whole document review; simplified and re-worded. Removal of appendix.	November 2020	Clare Nock

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Employment Break Policy Statement

Statement

This policy and procedure applies to all employees and the aim is to ensure consistent and fair treatment for all in the organisation. Every member of staff has a personal responsibility to achieve and sustain high standards of performance and conduct at all times and to comply with this policy, reflecting our values expressed in the LCHS Way; We listen, We care, We act, We improve.

E&D 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.

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Policy Statement

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1. Introduction

The employment break scheme enables employees to take a longer period away from work other than that provided for by parental leave or other leave arrangements which is unpaid. The scheme is open to any employee who has continuous employment with LCHS for twelve months or more.

The maximum length of the employment break can be up to 5 years and the minimum length is usually 3 months.

The range of qualifying circumstances includes but is not limited to childcare, eldercare, care for another dependant, training, study leave or work abroad. Other reasons for an employment break will be considered on their merits.

Employees on employment breaks are not usually 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 employer would be necessary.

2. Employment Break Application

An employee is entitled to submit one employment break application in a twelve month period.

To make an employment break application, employees need to submit in writing to their manager, setting out the reason and duration of the request.

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

Upon receiving a written request the manager will usually arrange a meeting with the employee to discuss the request further. Consideration will be given to;

- The needs of the service and also that of the employee
- The duration of the leave
- The potential to back fill the post

The decision should be confirmed in writing within 10 normal working days following the meeting. Should an application be declined, the reason for this will be confirmed in writing.

Applicants should follow the Trust's Grievance and Resolution Policy and Procedure if they are not satisfied with the outcome.

3. Employment Break Agreement

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

- **Continuity of Employment**

Applicants should not have to resign to take an employment break, but there will be a change to the contract of employment for the agreed duration of break. The period of the break should count toward continuous employment for statutory purposes. Other provisions depending on

length of service, i.e. contractual redundancy payments, annual leave entitlements etc. should be suspended for the period of the break. The period of break does not count towards a Long Service Award.

In the event of organisational change staff will be subject to normal processes of consultation in accordance with the Trust's Transforming Services Matters policy and would be contacted accordingly.

- **Annual Leave**

All accrued annual leave must be taken by the start of the employment break. No payment in lieu of outstanding leave can be made and it cannot be carried over. 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 employment break started and the period of break will not count towards reckonable services for the purpose of calculating entitlement.

- **NHS Pension**

Employees are strongly encouraged to seek advice on how an employment break may affect their pension. An employee on an 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 their own and the employer's percentage for up to a maximum of a further 18 months.

- **Lease Vehicles**

Lease car uses 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.
- (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.

Lease car contracts terminating during the break will not be replaced until the user returns to work.

- **Professional Registrations**

All professional registrations must be maintained during the 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.

- **Maintaining Contact**

There should be provision for the employee to maintain contact during the employment break period. It is the employee's responsibility to ensure the Trust has up to date contact details. This will include periods of paid work during the break, normally a minimum of ten days per year, but should include mandatory training as a priority and refresher training as appropriate to the field of work.

- **Breach of Employment Break Agreement**

A breach of the terms of the employment break agreement by the employee may result in the termination of the employment break agreement.

4. Return from Employment Break

The notice period required before the return to work should be two months if the employment break is less than a year and six months if the break is more than a year.

- **Request for an earlier return or extension**

The employee may request an early return to work. The Trust may not be able to accommodate this but will work with the employee to honour this where possible. Should an employee wish to extend their employment break, they must request this in writing to their line manager no later than 2 months prior to the end of their original employment break.

- **Post on return**

If the applicant returns to work within one year, the same job will be available, as far as is reasonably practicable. The applicant is entitled to return to the same salary, reflecting any increases during the period of employment break.

If the employment break is longer than one year, the applicant may return to as similar a job as possible. If the only alternative post available is one of a lower grade then protection of pay may apply in accordance with the Trust's Transforming Services Matters Policy.

- **Return to work Induction**

If an employment break lasts longer than 18 months, the employee will be required to attend the corporate induction and have a local induction during the first two weeks of their return. For a 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.

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	People Strategy Group	HR	HR Delivery

Equality Analysis

Name of Policy/Procedure/Function* Employment break

Equality Analysis Carried out by:

Clare Nock

Date:

6th November 2020

Equality & Human rights Lead:

Rachel Higgins

Director\General Manager:

Ceri Lennon

***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 outlining an Employment break Scheme which enables employees to apply 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 receives less favourable treatment.		
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:		Clare Nock		
Date:		6 th November 2020		