

## APPENDIX 2 – LEAVE AND PAY POLICY

### EMPLOYMENT BREAK SCHEME/CAREER BREAK - GUIDELINES

Employment Breaks enable colleagues to take an agreed and specified period of unpaid leave from their employment with the Trust, with a view to returning at a later date.

Breaks may be taken for the purposes of:

- Childcare
- Care of elderly or other dependent relatives
- Pursuing a course of study/training
- Study leave or work abroad
- Any other developmental activity acceptable to the Trust

The Trust may consider other reasons for a request to take an Employment Break and such requests will be considered on an individual basis.

Colleagues on Employment Breaks will not normally be permitted 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 manager is necessary

#### **1. Eligibility**

The scheme is open to all colleagues with at least 12 months' continuous service with the Trust.

#### **2. Length of Break**

The scheme offers extended unpaid leave of absence for a minimum period of 3 months up to a maximum of 2 years.

Breaks may be taken either as a single period of time or as more than one period. The length of break should balance the needs of the colleague with the needs of the service.

#### **3. Requesting an Employment Break**

An application to take an Employment Break must be made in writing to the line manager 3 months prior to the start of the proposed Break. In exceptional circumstances e.g. urgent need to provide care for a dependent, less notice may be considered.

Within 14 days of receiving the request, the line manager must:

- write to the colleague confirming the request has been agreed and the terms of the Employment Break (see paragraph 6.), or

- write to the colleague to organise a meeting to discuss the request. The colleague may be accompanied by a work based colleague or staff side representative at that meeting. The colleague should be advised of the outcome of their request within 14 calendar days of the meeting taking place

#### **4. Returning to Work**

The notice period required to be given by the colleague before the return to work or to extend the period of the Employment Break is:

- 2 months' notice if the break is for less than 1 year and;
- 6 months' notice if the break is for more than 1 year.

The colleague will return to work at the equivalent salary level, reflecting increases awarded during the period of the break.

#### **5. NHS Pension Arrangements**

Colleagues who are members of the NHS Pension Scheme may choose to remain pensionable during the Employment Break.

For a period of up to 6 months, the Trust must ensure that employer and colleague contributions are paid continuously, and will make arrangements to collect the colleague contribution before the break begins. Arrears cannot accumulate and payments made on returning to the Scheme. Colleague contributions will be based on pensionable pay immediately prior to the break starting.

Where a Pension Scheme member has paid contributions continuously during the first six months, this can be continued for a further period of up to 18 months. The colleague is responsible for both the colleague and employer pension contribution during this additional period. If pension contributions are not paid for the first 6 months, there is no option to continue to be pensionable for the further period of up to 18 months.

Colleagues may decide not to pay pension contributions at all during the break, and in these circumstances the last day of Scheme membership will be recorded as the day before the Employment Break commences.

These provisions apply equally to all sections of the Scheme.

#### **6. General Conditions**

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

Other provisions depending upon length of service i.e. pensions, contractual redundancy payments, leave entitlements etc. should be suspended for the period of the break (see also Section 12 of NHS Terms and Conditions of Service Handbook).

All Employment Breaks must be subject to a written agreement between the manager and the colleague before the Employment Break begins, detailing both of their responsibilities.

This agreement will confirm the period that has been agreed for the Employment Break and will also cover:

- The effect of the break on various entitlements related to length of service.
- A guarantee that, if the colleague returns to work within 1 year, the same job will be available, as far as is reasonably practicable.
- If the break is for longer than 1 year, the colleague may return to as similar a job as possible.
- Colleagues will return to work at the equivalent salary level, reflecting pay award increases awarded during the period of the break.
- Career breaks are by definition the choice of the individual, therefore if a member of staff chooses to take a career break at any stage during their career, **their pay progression would be ‘frozen’ at the pay point they have achieved at their last working day. The member of staff therefore, returns to work at the same pay point they left on. The colleagues new incremental date will be the date they returned from their employment break.**
- In the event of organisational change, e.g. a TUPE transfer, managers will consult with colleagues on Employment Breaks and ensure that they are given an opportunity to fully engage with the process.
- Statutory annual leave will continue to accrue during the Employment Break period.

## 7. Colleague’s Responsibilities:

- The requirement to give appropriate notice period of return/extension.
- To participate fully in maintaining links with their Department during the break/arrangements for keeping in touch.
- Requirement to keep up to date with their relevant professional registration needs, including attendance at specified training courses/mandatory training days.

## 8. Keeping in Touch during an Employment Break

- The key to a successful employment break is maintaining regular and effective communication between the colleague and the manager. The methods and regularity should be agreed between them, prior to commencement of the break. This will include forwarding all relevant staff letters, publications and information about the Trust and inviting the colleague to attend any significant meetings or events.
- Managers will be expected to advise the colleague of any relevant changes to services or terms and conditions, and include the colleague in any consultations that may affect their role.
- Colleagues must also inform their manager of any changes in personal circumstances, for example change of name, address and other contact details etc. and should contact their manager on a regular basis during the duration of the break, either by telephone, email or in person. It is expected that this would mean contact at least every 6 months.

## **9. Manager's Responsibilities:**

- The identification of a 'link' person, from within the colleague's work team who will ensure that good communications are maintained.
- A regular information pack is sent to the colleague, which contains appropriate communication for example, newsletters, minutes of departmental meetings, etc.
- Supporting the colleague in the requirement to keep up to date professionally
- Arrangements are in place for the re-induction of the colleague into the workplace.

## **10. Appeals**

Appeals against any decision not to support an Employment Break request should be made in accordance with the Trust's Grievance Policy and Procedure.