

TRUST POLICY FOR EMPLOYMENT BREAKS (CAREER BREAK)

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To be read in conjunction with: Medical Leave Policy TBC, the Agenda for Change Handbook, in particular section 36, Special Leave.				
In consultation with and Date: People Services Senior Team ThisAbility Network - April 2024. People Policy Review Group (PPRG) - April 2024 and August 2024 Staff Networks and key stakeholders - June 2024. Trust Joint Staffs Forum (TJPF) - June 2024 People & Culture Group (PCG) - August 2024 Local Negotiating Committee (LNC) - June 2024				
EIRA Stage One Full consultation and engagement has been fulfilled and inclusion evidenced with Staff Side, Network Leads and Trust wide key stakeholders including LNC. Feedback has been sought and incorporated throughout.				
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Employment Break Policy

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1. Introduction

- 1.1 University Hospitals of Derby and Burton NHS Foundation Trust values the contribution of all our employees inclusively. We recognise that retaining skilled and experienced employees is integral to providing exceptional patient care.
- 1.2 Therefore, it is important that we provide the opportunity to undertake a variety of flexible working arrangements such as employment breaks. The implementation of these employment practices aims to support employees to balance their work commitments with other responsibilities/ interests/ careers at different stages of their employment journey.
- 1.3 This policy will outline details of employment breaks, which are a form of unpaid leave but differ in their purpose.
- 1.4 Employment breaks provide an opportunity for employees to take an unpaid break in service, to take a pause from working for reasons such as continuing to pursue further education or travel or to allow employees to pursue a special area or special projects or to enhance their employment development.
- 1.5 This policy can be utilised by all employees across the Trust who have a minimum 12 months continuous service for employment breaks.
- 1.6 However, it is important to note that there is no automatic entitlement to an employment break and arrangements should be made to balance the needs of the applicant with the needs of the service. This ensures that the Trust is able to maintain the level and quality of services for patient care in the absence of any employee, especially those with highly specialised skills or in difficult to recruit to roles.
- 1.7 Employment Breaks for non-medical staff are reflected in the terms and conditions contained within the Agenda for Change Handbook, and therefore should be read in conjunction with it, in particular section 36.

2. Purpose

- 2.1 This scheme is not to be used whereby the main reason is to enable an employee to leave the NHS to work for another organisation.
- 2.2 This policy explains what an employment break is whilst setting out conditions of the scheme for both the Trust and employees who wish to apply.

3. Definitions

- 3.1 **"Employment Break"**: A period of unpaid leave that lasts between 3 months and 5 years.
- 3.2 **"Continuous Service"**: Full-time or part-time employment with the present or any previous NHS Employer. If with more than one NHS employer, there must not have been a break of more than a week (measured Sunday to Saturday) between employments.

4. Key responsibilities

4.1 Employees

Employees applying to take an employment break/sabbatical are responsible for the following:

- 4.1.1 To apply for an Employment Break using the form (see Appendix 1), giving clear reasons for the request.
- 4.1.2 Return the completed form at least 3 months in advance of the break starting.
- 4.1.3 Informing their line manager of any change to their personal circumstances, including any changes to their address and contact details.
- 4.1.4 Keeping in contact with the line manager as agreed prior to the break.
- 4.1.5 Must maintain any relevant professional registration including any training courses. Evidence of renewal professional registration/revalidation must be sent to the line manager.
- 4.1.6 Keep up to date with the relevant occupational field. The continuation of further training and pursuit of professional qualifications are encouraged.
- 4.1.7 Not to undertake any other substantive or bank paid employment during the break, unless there is written authorisation granted by the trust.
- 4.1.8 Understand any effects on employment benefits including impact on pensions.
- 4.1.9 Requesting any extensions to the break should be done in writing, and within the appropriate amount of time.
- 4.1.10 Providing notice of their return to work, within the given time period.
- 4.1.11 Employees are required to return on the date agreed and stated on the application form. Failure to return on the agreed date without good reason or mitigation may ultimately lead to (termination of the employment contract).

4.2 Managers

Line managers are responsible for the following:

- 4.2.1 considering all requests received in a timely manner, decisions should balance the needs of the employee and needs of the service. Refusal is only deemed necessary due to legitimate and considered service delivery reasons.
- 4.2.2 having open and constructive discussions with the employee following receipt of their application.
- 4.2.3 providing written confirmation to the applicant, with reasons for the decision.
- 4.2.4 Entering completing appropriate documentation to ensure that the employment break is managed effectively through ESR and payroll.
- 4.2.5 keeping in contact with the employee throughout the duration of the break and discussing any development/ professional requirements for employees on their return to work.
- 4.2.6 due consideration of the annual job planning cycle and service cover arrangements in relation to medical staff.

5. Eligibility

- 5.1 Employed on a permanent contract with University Hospitals of Derby and Burton NHS Foundation Trust.
 - 5.1.1 For Employment breaks, employees are required to have a minimum of 12 months continuous employment with University Hospitals of Derby and Burton NHS Foundation Trust.
 - 5.1.2 If a formal investigation has been commissioned under the Trust Disciplinary Policy, an employment break will not be granted. Applications may be submitted when the outcome of the investigation has been reached.
- 5.2 Employees taking an employment break will be required to confirm their commitment to the scheme on an annual basis, where the break is longer than 12 months duration.

6. Entitlement

- 6.1 The minimum length of break is 3 months, and the maximum length of the break is 5 years. This can be taken as one singular or multiple occasions, with at least one year's service in the Trust between the breaks, other than exceptional circumstances at the authorisation of the line manager.
 - 6.1.1 Employees must inform the manager of their return, in writing, 2 months before the proposed return date (if the break is less than a year) and 6 months if the break is longer than a year. Where an employee wishes to pursue a longer period of time, this must be discussed and agreed before the employment break commences.

- 6.1.1.1 There is no automatic entitlement to extend an employment break or to return early, however where possible, such requests will be considered.
- 6.2 The length of break must balance the needs of the employee and the service, and with particular attention to the job planning cycle for medical staff.
- 6.3 Reasons for employment break applications may include:
- Pursue special interest/projects of benefit to the Trust
 - Care for dependants including children and elders and significant others.
 - Training, including undertaking degrees or other courses.
 - Study leave.
 - Work overseas to broaden professional experience (including charity and voluntary work)
 - Temporary relocation of partner
 - Travel

This list is not exhaustive, and all other reasons will be considered on their merits. Decisions will take into account the reason for request and the operational needs of the service.

7. Application for employment break

- 7.1 Applications for employment breaks should be submitted via the attached form (Appendix 1) to their manager. The start date of the break should be at least 3 months after the date that an application has been agreed between the Trust and the employee.
- 7.2 All colleagues must receive support from their Line Manager. Clinical colleagues require further support from the Divisional Nurse Director/Divisional Medical Director.
- 7.3 A meeting between the Line Manager and employee will be arranged within 14 days of the application receipt to discuss the employment break application and conditions of the agreement.

Please note that applications are not confirmed until fully approved. Arrangements should not be made until application has received full sign off and confirmed back to the applicant in writing.

8. Conditions during the employment break

- 8.1 Employees do not have to resign from their post to take an employment break. The contract of employment will change, the details will be discussed with the line manager.
- 8.2 The period of break will still count towards continuous employment for statutory purposes. However, annual leave or bank holiday entitlements will be suspended for the duration of the employment break.
- 8.3 Failure to return on an agreed date, without seeking formal extensions to the break, may be regarded as a breach of contract and may give rise to formal proceedings taking place. However, all efforts should be made to keep in contact and to inform the line managers of any mitigating circumstances preventing a return to work.

9. General Terms and Conditions of the Employment Break Policy

9.1 Other paid employment during an employment break

9.1.1 Employees will not be allowed to take up paid employment with another employer. However, exceptional circumstances may be made if the employee is working overseas, or for charitable work that could broaden experience. Written permission must be obtained from the manager.

9.2 Keeping in contact during the employment break

9.2.1 Both employee and employer should agree to arrangements for keeping in touch during the break. The employee should notify their manager of any change to home address or provide a forwarding address should if they intend to be travelling for an extended period of time.

9.3 Returning to Work

9.3.1 Employees must inform the manager of their return, in writing, 2 months before the proposed return date (if the break is less than one year) and 6 months if the break is longer than one year.

9.3.2 If an employee wishes to end their employment break, they should place their intention to do so in writing to their line manager as soon as possible.

9.3.3 The period of the break counts toward continuous employment for statutory purpose whilst other provisions depending on length of service are suspended (see Section 9.9).

9.3.4 Under Agenda for Change (S34) If the employee returns to work within one year, the same job will be available, as far as is reasonably practicable. However, if the break is longer than one year, the employee may return to a similar role, at the equivalent salary level, reflecting increases awarded during the break.

9.4 Requirement to Maintain Professional Registration and Revalidation

9.4.1 The employee is required to maintain any relevant professional registration including any training courses. Including attendance at specified training courses and conferences, any conditions required by the employer or applicant to maintain their professional registration, and any training arrangements for re-induction to work as provided by UHDB.

9.4.2 The employee must be able to evidence the renewal of professional registration/revalidation, this must be sent to their line manager prior to their return to work.

9.5 **Extension to Employment Break**

9.5.1 Requesting any extensions to the break should be done in writing, and within the appropriate amount of time.

9.6 **Changing the Date of Return**

9.6.1 Requests must be submitted in writing to the line manager with the relevant notice period is due.

9.7 **Sick Leave**

9.7.1 An employee is not entitled to Occupational Sick Pay (OSP) whilst on the Employment Break Scheme, but, provided that the employee complies with the conditions of the scheme, the periods of service prior to and following the employment break can be aggregated for entitlement to OSP.

9.8 **Maternity and Adoption Leave**

9.8.1 An employment break period will count towards the qualifying period for entitlement to paid maternity leave, following that employment break (Entitlement to SMP is covered by Statute). The same applies for employees who are on adoption leave, paternity leave or shared parental leave.

9.8.2 If an employment break follows a period of maternity leave, employees will be required to return to work for a minimum period of 3 months after their employment break, or they will be liable to repay occupational maternity pay in accordance with the Trust's Family Leave Policy.

9.9 **Provisions dependent on length of service**

9.9.1 Any outstanding annual leave entitlement must be taken before the employment break commences. There is no provision to make payment for left over annual leave nor can it be carried over or paid in lieu.

9.9.2 Other provisions dependent upon length of service i.e. annual leave, contractual redundancy payments, sick leave or maternity leave pay, will be deemed to be suspended during the period of the sabbatical and not included in reckonable service.

9.10 **Pay Steps**

9.10.1 Employees on an employment break will not be able to progress through the pay steps whilst on employment break. This is because they are not able to demonstrate that they meet locally agreed performance requirements within their annual appraisal.

9.11 **Pay Awards and Bonuses**

9.11.1 Employees are not eligible for any national or local pay awards/ bonuses that are deemed to be payable whilst they are on employment break. For example, if a non-

consolidated pay award is payable after the employment break has commenced, employees are not entitled to receive this payment.

- 9.11.2 For colleagues if there is a pay rise causing the value of pay steps/nodal point to increase, an employee will resume on the same pay point that they went on an employment break at, with the relative monetary value.

9.12 **Pay Protection**

- 9.12.1 If the employment break is for 12 months or more, the period of pay protection will be incorporated into the period of the employee's employment break. There will be no pay during the period of the employment break and pay protection will only be reinstated on the employee's return to work if there is any protection entitlement remaining.

9.13 **NHS Pension Scheme**

- 9.13.1 You can choose to make the period non-pensionable or pensionable for up to two years.
- 9.13.2 Non-Pensionable: If you decide they would like to make their employment break non-pensionable, the pension record will be closed when the employment break starts, and it will reopen when they return to work. They will not build up any retirement benefits during this period.
- 9.13.2.1 If the employment break is non-pensionable and lasts for 5 years or more, it will impact on Special Class / Mental Health Officer status and how benefits built up before the employment break will be calculated at retirement.
- 9.13.3 Pensionable: If employees would like to make the employment break pensionable, the normal rate of employee pension contributions for 6 months can be paid and the Trust would have to cover the employer costs during this time. After the first 6 months, for a further 18 months the employee would need to cover both employee and employer costs if the employment break is to be pensionable. The pension record will remain open, and benefits will build up as normal based on the normal working pattern and pay.
- 9.13.4 Payments must be made on time each month, and employees are not allowed to build up arrears. If any payments are missed the employment break can no longer be pensionable.
- 9.13.5 Employees can decide to make part of the employment break pensionable; they could choose to pay pension contributions for the first 6 months and then make the rest of the employment break non-pensionable.
- 9.13.6 During the discussions to authorise the employment break the employee should be told to contact the pensions team so we can advise them of their options and forward them a contribution schedule if they would like the period to be pensionable. If they are agreeable with the payment schedule, the employee will need to send a standing order form to their bank and to the Trust so that payments are paid on time and the finance teams know to expect the payments.

9.14 **Salary Sacrifice (including lease cars)**

9.14.1 Employees participating in salary sacrifice schemes e.g. Childcare vouchers and the Home Electronic Scheme must notify the Staff Benefits Team of their commencement on Employment Break and reduction in salary so that appropriate changes can be made to the repayment schemes.

9.14.2 Employees with a lease car will be entitled to retain the lease car for private use until the expiry of the lease, or alternatively employees may return the car. They may, however, be liable to pay a termination fee for early termination of the lease. If employees choose to retain the car, they will be responsible for the total cost including the contribution which would have been made by the Trust. They will be required to submit monthly mileage returns for monitoring purposes.

9.14.3 Employees on the salary sacrifice scheme will still be responsible to repay any arrears accumulated as stated above but won't be required to submit monthly mileage returns. Employees will also undertake to meet any excess costs at the end of the lease contract period.

9.15 **Failure to comply with Employment Break Policy**

9.15.1 The Trust reserves the right to take the appropriate formal action under the disciplinary policy if employees fail to co-operate with the requirements of the employment break/sabbatical or they fail to return at the end of the sabbatical without good reason or mitigation and have not notified the Trust.

10. Resolving issues

10.1 If a request for the employment break is refused, reasons must be provided to the employee in writing. Where colleagues are dissatisfied with their request being refused, they should discuss the matter informally with their line manager in the first instance to seek a resolution that may involve compromise. Alternatively, they may refer to the Concerns Resolution Policy.

11.0 Monitoring

Measurable Policy Objectives	Monitoring	Frequency of monitoring	Reporting arrangements
How many individuals accessed the policy	How many individuals apply for an employment break - requests and refusals	Annually	People & Culture Group
Impact of Policy	Does this affect other People policies such as Sickness Absence Management and special leave provisions	Annually	People & Culture Group
Assurance of Compliance with Compassionate and Inclusive Culture and Exceptional Care Together	Compliance with Trust person centred approach and inclusivity	Annually	People & Culture Group
Accessibility by different protected groups	Data - protected characteristics	Annual	People & Culture Group

Appendix 1 – Employment Break Form

Section A - to be completed by the applicant in consultation with their manager.	Name:	
	Division:	
	Department:	
Position Held:		
Home Address:		
Hours Worked:		
Date of Joining University Hospitals of Derby and Burton NHS Trust:		
Date of Joining the NHS:		
Proposed Employment Break start date: (this should be at least 3 months from the date of this application)		
Proposed Employment Break Return Date:		
Length of Employment Break:		
Reason for Employment Break:		
<p>Please provide further information in support of your request e.g.:</p> <ul style="list-style-type: none"> ○ What is the potential benefit of the proposed employment break to yourself, your department and the Trust? ○ What practical difficulties might arise from the proposed employment break with respect to service needs, and/or your employees, and, how might these be overcome? 		
<p>Estimated date of Childbirth (if employment break is to follow maternity leave)</p> <p>I have read and understood the terms and conditions of the Employment Break Policy and if I require further advice this will be available the People Services Advisory Team. I accept and abide by the conditions of the scheme.</p>		
Signed:		
Name:	Date:	
Section B – to be completed by the Line Manager		
Name:		
Position:		
Have you discussed the reason for the application with the Yes No Above applicant		
Do you support this application (please tick and complete the appropriate box below		
<p>Yes I support this application and confirm I will ensure appropriate arrangements are made to maintain contact with the employee.</p>		
<p>No Please give reasons for not supporting this application for an Employment Break Details:</p>		

Signed:	
Name:	
Date:	
Section C- To be completed by Divisional Nurse Director/ Divisional Medical Director (clinical) or Divisional Director (corporate)	
Name	
Position	
Do you Approve this application?	YES No* Please give details below
Reasons for application being denied:	
Signed	Date:
Copy to be retained on the personal file with additional copy sent to Payroll	