

## TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

# Career Break Policy

Policy Number:	HR20
Scope of this Document:	All Colleagues
Recommending Committee:	HR Policy Group
Approving Committee:	Executive Committee
Date Ratified:	November 2019
Next Review Date (by):	September 2022
Version Number:	2019 – Version 4
Lead Executive Director:	Executive Director of Workforce
Lead Author(s):	HR Business Partner

## TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

2019 – Version 4

*Striving for perfect care  
and a just culture*

## TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

# Career Break

### Further information about this document:

Document name	<b>HR20 Career Break</b>
Document summary	This policy enables employees to balance paid work with other commitments and responsibilities. It is aimed at attracting and retaining the experience of staff and is consistent with the NHS commitment to the provision of high quality healthcare and facilitating a better work life balance for members of staff.
Author(s) Contact(s) for further information about this document	<b>Lucy Lowe</b> HR Business Partner Telephone: 0151 295 3016 Email: <a href="mailto:lucy.lowe@merseycare.nhs.uk">lucy.lowe@merseycare.nhs.uk</a>
Published by Copies of this document are available from the Author(s) and via the trust's website	<b>Mersey Care NHS Foundation Trust</b> V7 Building Kings Business Park Prescot Merseyside L34 1PJ  Trust's Website <a href="http://www.merseycare.nhs.uk">www.merseycare.nhs.uk</a>
To be read in conjunction with	<b>Agenda for Change Handbook</b> <b>HR41 Early resolution Policy</b> <b>HR04 Leave for personal and family reasons</b> <b>HR08 Verification of statutory registration of temporary and permanent staff</b> <b>HR16 Disclosure and Barring Checks (DBS)</b> <b>HR19 Organisational Change</b>
<b>This document can be made available in a range of alternative formats including various languages, large print and braille etc</b>	
Copyright © Mersey Care NHS Foundation Trust, 2015. All Rights Reserved	

### Version Control:

Version History:		
Version 1		May 2012
Version 2	Corporate Document Review Group	October 2013
Version 3	Policy Group	October 2016
Version 4	Policy Group	May 2019

## SUPPORTING STATEMENTS

This document should be read in conjunction with the following statements:

### SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and adults, including:

- being alert to the possibility of child/adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child/adult;
- knowing how to deal with a disclosure or allegation of child/adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child/adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

### EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line the with a Human Rights based approach and the FREDA principles of **Fairness, Respect, Equality Dignity, and Autonomy**

# Contents

Section	Page No
1. Purpose and Rationale	6
2. Outcome Focused Aims and Objectives	6
3. Scope	6
4. Definitions	6
5. Duties	6
6. Process	7
7. Consultation	10
8. Training and Support	10
9. Monitoring	10
10. Equality and Human Rights Analysis	11
11. Additional Appendices	
I. Application for a Career Break	14

## 1. PURPOSE AND RATIONALE

### 1.1 Purpose

- 1.1.1 This policy sets out the procedure for applying for a career break and explains where and when it should be applied.

### 1.2 Rationale

- 1.2.1 This policy enables colleagues to balance paid work with other commitments and responsibilities. It is aimed at attracting and retaining the experience of colleagues and is consistent with the NHS commitment to the provision of high quality healthcare and facilitating a better work life balance for colleagues.
- 1.2.2 The policy covers the main reasons for which career breaks can be used, including caring responsibilities, training, study leave or work abroad. Other reasons will be considered on their merits.
- 1.2.3 The policy allows people to take a longer period away from work than that provided for by parental leave and other leave arrangements on an unpaid agreement.

## 2. OUTCOME FOCUSED AIMS AND OBJECTIVES

- 2.1 To enable Mersey Care NHS Foundation Trust employees to facilitate a better work life balance by providing them with the opportunity to take an unpaid break from their employment for up to 5 years.

## 3. SCOPE

- 3.1 This policy applies to all Trust employees (whether on a permanent or temporary contract).

## 4. DEFINITIONS

NHS	National Health Service
Colleagues	All staff
KSF	Knowledge & Skills Framework
DBS	Disclosure & Barring Service

## 5. DUTIES

### 5.1 Chief Executive Responsibilities

- 5.1.1 The Chief Executive has delegated responsibility for ensuring compliance with this policy to the Executive Director of Workforce.

### 5.2 The Executive Director of Workforce

- 5.2.1 The Executive Director of Workforce has a responsibility to ensure that robust systems are in place, to ensure compliance with the policy. They will also ensure that all Directors, Managers, Human Resource Department, and members of staff are fully aware of their responsibilities in relation to career breaks.

### 5.3 The Human Resources Department

- 5.3.1 The Human Resources Department will work with managers; trade unions and staff to ensure the policy is followed.

## 5.4 **Divisional Managers**

- 5.4.1 It is the responsibility of Divisional Managers to ensure that they and all staff within their division follow the policy and apply it fairly and consistently with guidance from the Human Resources Department.

## 5.5 **Line Managers**

- 5.5.1 It is the responsibility of the line manager to approve or decline career break applications, provide written responses (including career break agreement if application is successful) and ensure they maintain contact with colleagues on a careerbreak.

## 5.6 **Staff**

- 5.6.1 It is the responsibility of the member of staff to comply with this policy and maintain contact with their line manager whilst on a career break as defined in the career break agreement. They must also keep update with any professional registration or training required.

# 6. **PROCESS**

## 6.1 **Principles**

- 6.1.1 The career break scheme is open to all staff who have a minimum of twelve months' service.
- 6.1.2 The maximum length of break is five years and the minimum is three months.
- 6.1.3 Breaks taken as a single period or as more than one period will be considered.
- 6.1.4 The length of any break agreed will balance the needs of the member of staff with the needs of the service.
- 6.1.5 Career breaks can be extended or curtailed with appropriate notice.
- 6.1.6 Any formal monitoring i.e. sickness absence or performance improvement will be paused for the period of the career break and resume on return to work
- 6.1.7 The period of the break will count towards continuous employment for statutory purposes.
- 6.1.8 Other provisions dependent upon length of service, i.e. pensions, contractual redundancy payments leave entitlements etc.; will be suspended for the period of the break. (An employees continuous previous service with any NHS employer, counts as reckonable service in respect of NHS agreements on redundancy, maternity, sick pay and annual leave).
- 6.1.9 Any existing salary sacrifice arrangements will cease during the career break. An employee will not be entitled to receive childcare vouchers and where the salary sacrifice is linked with repayment or purchase e.g. a car, cycle scheme, IT scheme, the employee will be expected to settle the outstanding balance prior to commencement of the career break. With regards to a salary sacrifice car this will need to be returned to NHS Fleet Solutions and the early termination charge paid.
- 6.1.10 All annual leave must be taken prior to the commencement of the career break.

6.1.11 Staff on career break will not normally be 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 Trust will be required via the Head of Human Resources.

6.1.12 Examples of reasons for applying for a career break, but not exhaustive are:

- Caring for a sick or dependent relative
- caring for children
- extended periods of travel or voluntary services
- personal reasons e.g. following ill health
- undergoing further education

## 6.2 **Application Process**

6.2.1 Applications should be submitted to their Line Manager on the form attached as Appendix 1, at least 3 months before the start date of the proposed career break in exceptional circumstances the manager may accept a shorter time frame.

6.2.2 Each application will be considered on the merits of the individual case. It may not be possible to grant release in every case because of the needs of the service. Every effort will be made to accommodate applications.

6.2.3 It is the member of staff's responsibility to make enquiries about their pension contributions and impact on pension of a career break in order that they make an informed decision.

6.2.4 The application must be approved by the line manager who the application form was submitted to.

## 6.3 **Career Break Agreement**

6.3.1 All breaks will be subject to an agreement between the Line Manager and member of staff before the break begins. The details of the agreement will be confirmed in writing and will cover the following:

6.3.2 The effect of the break on various entitlements related to length of service.

6.3.3 A guarantee that, if the member of staff returns to work within one year, the same job will be available, as far as is reasonably practicable. If there are no vacancies at the appropriate level, the member of staff may be offered a post at a lower level on an interim basis until a suitable post at the appropriate level becomes available in line with the prioritisation of redeployment section of the Organisational Change Policy. In these circumstances pay protection will apply in accordance with Trust policy.

6.3.4 For staff who request a career break of twelve months or less, they will automatically return to their substantive post at the end of the career break. This is provided that the post has not been lost or altered significantly by organisational change within that period. If the post has been lost or significantly altered due to that change, the member of staff will be offered a similar post at the appropriate level in line with the Organisational Change Policy.

6.3.5 If the break is longer than one year, the member of staff may return to as similar a job as possible depending on availability of vacancies.

6.3.6 Regardless of the length of the career break the member of staff will return to work at the equivalent salary level, reflecting increases awarded during the break. (NB If the member of staff returns to a post that does not attract Special Hospital Lead, Higher Environmental Allowance, LSU or RSU allowance, and their post prior to career break did, the lead will not be protected).

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

#### **6.4 Arrangements for Keeping in Touch**

6.4.1 There is a requirement for the member of staff to keep in touch with their line manager during their career break and provide a contact address. The frequency of any contact is agreed with the line manager prior to the commencement of the break.

6.4.2 There is a requirement for the member of staff to keep up to date, through their line manager, with their relevant professional registration needs where applicable, including attendance at:

- specified training courses and conferences;
- training arrangements for re-induction to work;
- any other conditions required either by the Trust or the member of staff i.e. demonstration of competencies required to carry out the job, in line with the KSF outline.

#### **6.4.3 Right to Work requirements**

6.4.4 There is a requirement for the member of staff to keep any right to work documentation in date and to inform the Trust of any changes to their right to work status.

#### **6.5 Return to Work**

6.5.1 It is the member of staff's responsibility to inform their line manager in writing of their intention to return to work giving the appropriate notice. (See paragraph 5.3.7 above).

6.5.2 If the member of staff does not provide written notice of their intention to return to work, their line manager will write to them requesting confirmation of the return date. Under normal circumstances, failure to return to work on the date agreed will be treated as a resignation from the Trust.

6.5.3 If the career break has been extended beyond twelve months, the Trust cannot guarantee a return to the member of staff's substantive post. In addition the Trust cannot guarantee that a post will be immediately available for staff who are returning from career break in excess of 12 months; a meeting should be held to discuss what options are available. At the agreed end date for the career break the member of staff will be assigned to the most suitable vacancy at the appropriate level. Payment will be made as applicable to the grade of the work undertaken. There will be entitlement to pay protection arrangements in accordance with Trust Policy. If an individual unreasonably refuses an offer of a suitable vacancy, the obligations of the Trust under the career break scheme will cease. This will be treated as a resignation by the employee from the Trust. Staff will have the opportunity to appeal against this decision.

6.5.4 It will be a requirement for the applicant to undertake a DBS check where applicable, Occupational Health assessment and to provide evidence of professional registration where applicable prior to return to work depending on the length of the employment break.



## 6.6 Appeals

- 6.6.1 Members of staff will be entitled to appeal if a request for break or extension is refused or if the employee believes the offer of a suitable vacancy is unreasonable.
- 6.6.2 The staff member should appeal within 7 days of receiving the decision. The next level manager will then arrange to meet the member of staff to discuss the appeal within 14 days (or extended by mutual agreement). The member of staff can be accompanied at the meeting by their staff side representative or a workplace colleague. A Human Resources Representative will accompany the next level manager at this meeting.

## 7. CONSULTATION

- 7.1 The following staff / groups were consulted with in the development of this policy document:
- Recognised Trade Unions Organisations
  - HR Policy Group
  - Human Resources Department
  - Divisions

## 8. TRAINING AND SUPPORT

- 8.1 Advice on the application of this document will be delivered on an ad-hoc basis as and when required by the Human Resources Department.

## 9. MONITORING

- 9.1 Monitoring will be undertaken by the senior members of the Workforce Team and the results of the monitoring will be reported to Operational Groups in the Divisions on a monthly basis and to the Human Resources Business Partner and Divisional Lead.

# Equality and Human Rights Analysis

<b>Title: HR 20 Career Break</b>
<b>Area covered: Trust Wide</b>

<b>What are the intended outcomes of this work? This policy sets out the procedure for applying for a career break and explain where and when it should be applied</b>
<b>Who will be affected?</b> <b>Staff</b>

<b>Evidence</b>
<b>What evidence have you considered?</b> <b>The policy</b>
<b>Disability inc. learning disability</b> <b>No issues identified</b>
<b>Sex</b> <b>No issues identified</b>
<b>Race</b> <b>No issues identified</b>
<b>Age</b> <b>No issues identified</b>
<b>Gender reassignment (including transgender)</b> <b>No issues identified</b>
<b>Sexual orientation</b> <b>No issues identified</b>
<b>Religion or belief</b> <b>No issues identified</b>
<b>Pregnancy and maternity</b> <b>Please see below</b>
<b>Carers( Staff who are carers)</b> <b>The procedure covers the main reasons for which career breaks can be used, including caring responsibilities.</b> <b>6.1.9 provides a list of possible reasons for approval including caring responsibilities</b>

<b>Other identified groups</b> N/A
<b>Cross cutting</b> Promoting equality for all staff. The scheme should be viewed with other policies particularly Leave for Personal & Family Reasons as part of the commitment to arrangements which enable employees to balance paid work with their other commitments and responsibilities.

<b>Human Rights</b>	<b>Is there an impact? How this right could be protected?</b>
<b>This section must not be left blank. If the Article is not engaged then this must be stated.</b>	
<b>Right to life (Article 2)</b>	<b>No issues identified.</b>
<b>Right of freedom from inhuman and degrading treatment (Article 3)</b>	<b>No issues identified.</b>
<b>Right to liberty (Article 5)</b>	<b>No issues identified.</b>
<b>Right to a fair trial (Article 6)</b>	<b>Appeals process in place for members of staff who are entitled to receive a written reason for refusal of their application. The member of staff may access the grievance procedure if a request for a break or extension is refused.</b>
<b>Right to private and family life (Article 8)</b>	<b>The scheme should be viewed with other policies particularly Leave for Personal &amp; Family Reasons as part of the commitment to arrangements which enable employees to balance paid work with their other commitments and responsibilities.</b>
<b>Right of freedom of religion or belief (Article 9)</b>	<b>No issues identified.</b>

<b>Right to freedom of expression</b> <b>Note: this does not include insulting language such as racism (Article 10)</b>	<b>No issues identified.</b>
<b>Right freedom from discrimination (Article 14)</b>	<b>No issues identified.</b>

### Engagement and involvement

**HR Senior Managers, Staff side consulted in the making of this policy.**

### Summary of Analysis

#### **Eliminate discrimination, harassment and victimisation**

**This policy sets of the process for all staff to apply for a career break.**

**Staff who are carers and those who require leave for family and personal reasons will be supported in their application.**

#### **Advance equality of opportunity**

**All staff will be considered**

#### **Promote good relations between groups**

**Staff from all groups will be given equal consideration.**

#### **What is the overall impact?**

**Negative Impact should be low .**

#### **Addressing the impact on equalities**

**See action plan below**

#### **Action planning for improvement**

**HR/Workforce to review available data in relation to staff from the Protected groups and those who have taken a career break.**

**For the record**

**Name of persons who carried out this assessment (Min of 3 ):**

**Sarah Corley**

**George Sullivan**

**Pauline Copland**

**Review completed by:**

**Sarah Corley**

**Stephanie Graham**

**Date assessment completed: 15.01.2016**

**Date review completed: 20.06.2016**

**Name of responsible Director: Amanda Oates Executive Director**

**Date assessment was signed: Jan 2016**

# Action plan template

This part of the template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for your policy.

<b>Category</b>	<b>Actions</b>	<b>Target date</b>	<b>Person responsible and their Directorate</b>
<b>Data collection and evidencing</b>	Review within Workface meeting equality data –in relation to staff from PC groups and those taking a career break.		
<b>Transparency</b>	Policy to be placed on Trust website with this equality assessment.		

**APPLICATION FOR A CAREER BREAK**

NAME: .....

PLACE OF WORK: .....

JOB TITLE: .....

FULL TIME/PART TIME: .....

REASON FOR REQUEST FOR CAREER BREAK:-

.....  
.....  
.....

LENGTH OF CAREER BREAK REQUESTED:

.....

Agreed/Not Agreed by: .....

Signature of Service Manager

Details of Agreement: .....

Date of Commencement: .....

Duration of Career Break: .....

Notice requirement of intention to return .....

Copy of agreement sent