



# EMPLOYMENT BREAK SCHEME

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## **DOCUMENT INFORMATION**

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**EMPLOYEE BREAK SCHEME**

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## **1. INTRODUCTION**

- 1.1 An “employment break” is defined as an agreement between an employee and the Trust for an extended period of unpaid leave from work whereby the employee intends to resume working for the Trust at a mutually agreed date in the future.
- 1.2 The Trust’s scheme enables employees to apply for an employment break of no less than three months and no more than five years in length, in accordance with Section 36 of the NHS Terms & Conditions of Service Handbook.
- 1.3 Breaks may be taken as a single period or as more than one period, subject to the agreement of the line manager for each request.
- 1.4 The Trust reserves the right to terminate the employment break if any of the conditions of the agreement are breached.
- 1.5 The Trust values of Teamwork, Caring, Professional and Innovation underpin everything we do to support our vision of saving lives and enabling patients to get the care they need. SCAS aims to nurture a healthy culture, based on all staff demonstrating their role-relevant values-based behaviours within their working lives. All staff are expected to model their behaviours to support SCAS with its strategic aims to become an Employer, Partner and Provider of Choice.

## **2. PURPOSE**

- 2.1 To help retain valuable skills and experience within the Trust whilst recognising that at varying times in their lives employees might wish/need to take an extended break from duties in order to care for dependants, undertake personal development or voluntary work.
- 2.2 To facilitate this process without compromising the needs of the Trust and/or resulting in substantial loss of service continuity.

## **3. SCOPE**

- 3.1 The scheme is open to all employees who have, immediately prior to the commencement of the employment break period, a minimum of 12 months’ uninterrupted service with the Trust. The scheme gives staff the opportunity to take an unpaid break from employment in the event of:
  - Childcare, eldercare, care for another dependants needs and/or commitments (dependants are as defined within the Trust’s Paid/Unpaid Leave Policy)
  - Further Education and/or personal development
  - Travel – domestic or abroad

This list is not exhaustive, other reasons for requests will be considered on their merits.

Applications for breaks in order for employees to take paid employment with another employer will not normally be considered.

#### 4. EQUALITY STATEMENT

- 4.1 This procedure will be applied fairly to all employees regardless of race, ethnic or national origin, colour or nationality; gender (including marital status); age; disability; sexual orientation; religion or belief; length of service, whether full or part-time or employed under a permanent or a fixed-term contract or any other relevant factor. The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of these protected characteristics or whether full or part-time or employed under a permanent or a fixed-term contract or any other irrelevant factor.
- 4.2 By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.
- 4.3 Where there are barriers to understanding, eg, an employee has difficulty in reading or writing or where English is not their first language additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the Human Resources Department.
- 4.4 Employees exercising their rights and entitlements under the regulations will suffer no detriment as a result.

#### 5. APPLICATION FOR AN EMPLOYMENT BREAK

- 5.1 Applications for an employment break can be made for a period more than three months but less than five years. Each application will be considered separately and there is no automatic right to extend the period of the original application. To apply for an employment break employees should submit their case in writing to their Line Manager outlining the full reasons for their request and the length of break required, giving appropriate notice as follows:

<b>Length of Break Requested</b>	3 months
<b>Minimum Notice Required</b>	4 weeks
<b>Length of Break Requested</b>	3 to 6 months
<b>Minimum Notice Required</b>	6 weeks
<b>Length of Break Requested</b>	6+ months
<b>Minimum Notice Required</b>	12 weeks

- 5.2 The decision to approve an employment break rests with the applicant's Line Manager in consultation with their Line Manager/Director and the HR Department. The following points will be taken into consideration:

- disciplinary, performance and attendance record;
- the reason for the employment break and, if applicable, when the applicant last had one;
- the impact of the applicant's absence on the Trust/Division/Directorate/Department;
- whether the request will result in substantial loss of service continuity;
- how the absence will be covered;
- for applications in excess of 12 months, the realistic potential for providing employment at the end of the employment break;
- the number of employment breaks in force at the time of application within the Trust/Division/Directorate/Department.

5.3 Once agreed, the legally binding Employment Break Agreement document at Appendix 1 must be completed. The original will be retained on the employee's personal file and the employee must keep their copy for reference.

5.4 In the event of an application for an employment break being refused, written reasons will be provided to the employee.

## **6. MANAGER'S RESPONSIBILITIES**

6.1 When considering an application, managers should respond as soon as practically possible and must take a serious view of the effect of allowing the break in terms of balance and review the points in s5.2 carefully. For instance, they are duty-bound to consider the impact on existing staffing and do not have to accede to a request that will have a detrimental effect on performance.

6.2 During employment breaks, the employee's Line Manager will ensure that regular communications exist between the employee and the Trust to ensure that employees are fully up-to-date with Trust progress and any business updates. They will:

- forward all information in relation to consultations especially in respect of organisational restructure and ensure that they are included in all related processes and support (see s12).
- forward information relating to vacancies within the Trust;
- make arrangements for Trust newsletters and other appropriate correspondence to be sent to the employee on a regular basis, together with any other relevant Trust policies, procedures and notices, etc;
- inform any managers who succeed them of all details in relation to the employment break, passing on any subsequent correspondence or variations;
- inform the Clinical & Education Teams, so that operational staff are provided with new/revised protocols as and when issued.

## **7. EMPLOYEE RESPONSIBILITIES**

7.1 Whilst on an employment break, employees must ensure they:

- inform the Trust of any change in their circumstances; eg, change of address;
- provide an email address which can be accessible throughout the break if the reason for the absence is travel and the provision of a fixed address is not practical;
- during the period of an employment break, there is an expectation that the employee will access this email address on a regular basis
- respond as appropriate to any correspondence from their Line Manager/Trust;
- attend all agreed work/training duties and ensure professional qualifications are maintained, e.g. HCPC, RCN registration;
- comply with all Trust policies (available on website);
- do not undertake paid or unpaid work without the express written permission of the

Trust.

## **8. WORK PERIODS**

8.1 All staff making a request for an employment break should ensure they are fully aware of the implications for their return to work in relation to any mandatory training update, DBS clearance and any licence or registrations/revalidations required to undertake their role. This must be discussed with their Line Manager, preferably before making an application.

8.2 In the event of a staff member being unable to maintain their registration/licence etc; i.e., when an employment break has been granted for travel abroad, additional refresher training may be required prior to returning to work and this should be directed/recommended by the Clinical Education Department and their Line Manager, as appropriate.

## **9. TRAINING**

9.1 For operational staff the Trust will provide training in line with Trust and/or registration statutory and mandatory requirements, as agreed with the Line Manager and Clinical Education Department.

9.2 For non-operational staff the Trust will provide training in line with statutory and mandatory requirements as agreed with the Line Manager.

9.3 Any payment for work periods/refresher training during the employment break will be at the salary point on which the applicant was employed immediately prior to the commencement of the employment break period.

## **10. ANNUAL LEAVE AND BANK HOLIDAYS**

10.1 Employees will not accrue annual leave or time off in lieu entitlements during an agreed employment break period.

## **11. RETURN TO WORK**

11.1 Employees, returning to work within one year, are guaranteed that, so far as is reasonably practicable, the same job will be available to them.

11.2 Employees, returning to work after 12 months, will be able to return to as similar a job as possible (eg, duties, responsibilities and status) to the one they left.

11.2.1 If no similar position is available, the employment break can be extended by up to 3 months in order to see if a job does become available. If at this point, there is still no appropriate position available, the individual's employment may be terminated on the grounds of redundancy and the necessary actions taken and payments made (NB. an employment break does not count as reckonable service for this purpose).

11.3 Prior to the return to work date, a meeting will be arranged between the Line Manager, the employee and an HR representative to discuss and organise any required re-entry training, workload handover and/or medical assessment.

11.3.1 In career breaks of 6 months or more, this meeting will take place at least 6 weeks prior to the return to work date or with as much notice as is practicable in the circumstances.

11.4 Operational staff and staff in any post which requires a full pre-employment check will be required to undertake a full medical examination with the Trust's Occupational Health Department along with any appropriate assessments and up-date training as required/appropriate in accordance with Clinical Education Team's requirements/recommendations and as defined in the Person Specification.

11.5 Employees who do not successfully complete agreed re-entry training/assessments will be subject to the provisions of the Trust's Capability Policy.

11.6 Any request from an employee who wishes to return to work prematurely will be reviewed, taking into account the reason(s) for such, the exigencies of the Service and the need to be fair and equitable in the treatment of the temporary replacement.

11.7 Similarly, any request from an applicant who wishes to extend their break will be considered, taking into account the reason(s) for such and the exigencies of the Service. It cannot be guaranteed that a request to extend a break will be agreed as service needs will be paramount to that decision.

11.8 Any individual not returning to work at the agreed end date of the employment break without reasonable cause/notification will be deemed in breach of their contract of employment and as such will be subject to the provisions of the Trust's Discipline & Conduct Policy.

## **12. TERMS AND CONDITIONS OF EMPLOYMENT**

### **12.1 Continuous Service**

12.1.1 When an employee is granted an employment break, the period of absence will be regarded as a period of extended unpaid leave but will count towards continuous employment for statutory purposes.

12.1.2 The applicant will remain an employee of the Trust but their contract will be suspended; ie, other provisions (depending upon length of service; eg, redundancy entitlements, leave entitlements, etc) will be suspended for the period of the agreed break (see ss12 and 36 of the NHS Terms and Conditions of Service Handbook).

### **12.2 Trust Policies**

12.2.1 During their employment break the employee will be subject to Trust policies, failure to adhere to Trust policies and procedures during an employment break period may result in disciplinary action being taken against the employee and the employment break agreement terminated.

### **12.3 Pension**

12.3.1 Employees may pay pension contributions up to the first 18 months of the employment break – but this choice must be made before the break is started. In this case, employers will make their normal contributions for the same period. Further information on this matter can be obtained from the Trust's Pensions: [Link to NHS Pension Advice](http://www.nhsbsa.nhs.uk/Pensions/Documents/Pensions/Authorised_Leave_-_Career_Breaks_FAQs_V1___07_2010_(V1).pdf) ([http://www.nhsbsa.nhs.uk/Pensions/Documents/Pensions/Authorised\\_Leave\\_-\\_Career\\_Breaks\\_FAQs\\_V1\\_\\_\\_07\\_2010\\_\(V1\).pdf](http://www.nhsbsa.nhs.uk/Pensions/Documents/Pensions/Authorised_Leave_-_Career_Breaks_FAQs_V1___07_2010_(V1).pdf)).

### **12.4 Loans/Advances on Salary**

12.4.1 All outstanding employee loans/advances made by the Trust to the employee must be repaid in full before the commencement of the employment break period.

### **12.5 Trust Property**

12.5.1 Where an employee has a lease car, mobile telephone, laptop, etc, these must be returned to the Trust for the period of the employment break. This may affect contributions to the cost of the lease car.

## **13. ORGANISATIONAL CHANGE**

13.1 The Trust will, as far as reasonably practicable, consult with the employee if, at any time, any organisational change occurs which will affect the employee's post as occupied, prior to the employment break period.

## **14. APPEALS PROCEDURE**

14.1 Employees wishing to appeal against any decision made under this policy may do so using the Trust's Grievance Procedure.

## **15. RELATED POLICIES AND SOURCES**

15.1 This policy should be read in conjunction with the following:

- Flexible Working Policy
- Additional Employment Policy
- NHS National Terms & Conditions of Service Handbook (s36)
- Professional registration/licencing websites

## **16. MONITORING & REVIEW**

The effectiveness of this policy will be monitored regularly by HR who will provide data on the use of the policy as and when required. Annual report will be provided to the Trust board at the end of each financial year. The results of the annual staff survey will also provide a valuable indicator of any problems.

In advance of the review date, the HR team will review and produce recommendations which will be shared via the recognised policy approval process (HR Policy Review Group) in time for the policy review date. An early review can be triggered by the Trust Board, HR or joint staff side if they have serious concerns about the policy or its implementation.

## APPENDIX 1

### **SOUTH CENTRAL AMBULANCE SERVICE NHS FOUNDATION TRUST**

#### **Employment Break Agreement**

An employment break agreement form is available for Internal use by SCAS Staff. It can be accessed internally via our [Staff Intranet](#).

## **1. Equality Impact Assessment Form Section One – Screening**

A full Equality Impact Assessment has been carried out on this policy and is available on request to the public and internally via our [Staff Intranet](#).  
(see also section 4. Equality Statement).

## **2. Equality Impact Assessment Form Section Two – Full Assessment**

A full Equality Impact Assessment has been carried out on this policy and is available on request to the public and internally via our [Staff Intranet](#).  
(see also section 4. Equality Statement)