

**BARNSLEY CLINICAL COMMISSIONING
GROUP**

EMPLOYMENT BREAK POLICY

Version:	1.2
Approved By:	Governing Body
Date Approved:	10 April 2014
Name of originator / author:	Head of HR
Name of responsible committee/ individual:	Equality and Engagement Committee
Name of executive lead:	Chief Officer
Date issued:	10 April 2014 Oct 2015, Oct 2017 (following review)
Review Date:	2 years from date of implementation
Target Audience:	All employees.

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**THIS POLICY HAS BEEN SUBJECT TO A FULL EQUALITY IMPACT
ASSESSMENT**

DOCUMENT CONTROL

Version No	Type of Change	Date	Description of change
DRAFT		March 2014	With the CCG for consultation.
1	Approved	April 2014	Approved by the Governing Body 10 April 2014.
1.1	Reviewed	October 2015	Minor changes to the text. EIA reviewed and updated by HR Manager.
1.2	Review	September 2017	Minor changes other than reduction of maximum break for a single reason from 5 years to one year.

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PART 1

1. POLICY STATEMENT

- 1.1 The organisation recognises that during an employee's working life there will be times when personal commitments take priority over work. The Employment Break Policy has been designed to allow employees the opportunity to take an unpaid break from their employment, of up to 1 year.

2. PRINCIPLES

- 2.1 For statutory purposes, the period of the break will count towards continuous employment, however all other terms and conditions of employment with the organisation will be suspended. The period of the employment break will therefore not count as reckonable service when calculating contractual entitlement to benefits such as annual leave, sick pay, contractual redundancy payments and any other benefits dependent upon length of service. There will be no entitlement to benefits, such as sick pay, during the period of the break..

- 2.2 To qualify for an Employment Break, employees must:

- have been employed by the organisation, continuously, on a permanent basis for a period of twelve months or more;
- have demonstrated a commitment to continuing their career within the organisation;
- have the approval of an appropriate authorising Management Team Member

- 2.3 Subject to business and service needs, applications will normally be approved for the purpose of;

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

Any other reason will be considered on its merit.

- 2.4 The length of the employment break will normally be for a minimum of 3 months up to a maximum of 1 year. More than one employment break may be granted in the course of employment provided that the combined length of the breaks does not exceed the maximum of 1 year other than exceptional circumstances, e.g. complex and/or extended caring responsibilities. The length of any break should balance the needs of the applicant with the needs of the organisation.

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- 2.5 Managers, where appropriate, should maintain contact with those staff taking employment breaks. The amount and level of contact will vary depending on the length of the employment break and the individual circumstances relating to the break.
- 2.6 Employees will be expected to maintain contact with their manager, and should inform the organisation of any changes to personal circumstances, e.g. change of home address.
- 2.7 Employees should also demonstrate their commitment to the organisation by:
- Not undertaking any other paid employment with another employer during the employment break except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority should be sought prior to the start of the employment break. Employees who may need to obtain employment to support themselves financially, for example whilst travelling abroad, may do so, but on a casual basis;
 - Returning to the organisation on the agreed return date.
- 2.8 Employees considering an employment break should be aware of the following:
- 2.8.1 **Annual Leave** – all accrued annual leave must be taken before commencement of the employment break. No payment in lieu of outstanding leave will be made, neither will any “carry over” of leave be allowed. 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 break started, and the period of the employment break will not count as reckonable service for leave purposes.
- 2.8.2 **Trade Union Membership** – should an individual wish to continue their trade union membership during the break, they must make their own arrangements for subscriptions to be paid.
- 2.8.3 **Pay** – on return to work, employees would resume, for pay purposes, at the same pay point which had been reached at the time the employment break began, subject to restructuring or substantial organisational change. If applicable, incremental dates will be deferred accordingly, to ensure that the employee's terms remain unchanged.

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2.8.4 **Occupational Maternity Pay** – employees commencing an employment break immediately following a period of maternity leave will be liable to repay any Occupational Maternity Pay received should they fail to return to work for a period of 3 months after the break.

2.8.5 **Pensions** – an employee may choose to continue making contributions to the NHS Pension Scheme during an employment break. The form at Appendix 2 must be completed prior to the break to determine the employee's option in respect of their pension. Arrangements for continuing payments must be made prior to commencement of the break.

For the first 6 months contributions are payable, by both the employee and employer, as if the employee was at work.

An individual, who has paid contributions regularly during the first 6 months of a break, may continue to contribute to the Scheme for a further period of up to 6 months (maximum of 1 years). During the extended period, the employee will be responsible for paying both their own and the employer's contributions.

Contributions will be based on the employee's normal pensionable pay. They must continue to be paid monthly, by standing order or Direct Debit; arrears will not be allowed to accumulate.

Further information is available from the NHS Pensions website <http://www.nhsbsa.nhs.uk/pensions>

2.8.6 **Long Service Award** – the term of the employment break will not count towards qualifying service for any Long Service Award.

2.8.7 **CCG Property** – prior to an employee commencing an employment break, where applicable, managers must ensure that appropriate arrangements have been made in respect of company property, i.e.

- Return (or otherwise) of a lease car
- Return of organisation property, such as mobile telephones, lap tops, keys, etc.

2.8.8 **Applying for other Positions** – when on an employment break, an employee is free to apply for other positions within the organisation. However, employees should note that, should they be successful, continuation of the break cannot be guaranteed as it will depend upon the business needs and demands of the service in the area in which the new post sits. It is advised that a discussion is held with the recruiting manager prior to an

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application being submitted.

2.9 All records of applications and decisions will be kept on an employee's file for a minimum of 12 months after the employment break has finished.

3. EQUALITY

In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

4. MONITORING & REVIEW

4.1 This policy and procedure will be reviewed periodically by the Equality and Engagement Committee, in conjunction with HR, Managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

PART 2

1. PROCEDURE

- 1.1 Employees wishing to apply for an employment break should complete the application form at Appendix 1, in conjunction with the relevant Senior Manager. Both the proposed commencement date and return to work date should be included.
- 1.2 Where possible applications should be submitted to the relevant Senior Manager at least 3 months prior to commencement of the intended break. In exceptional circumstances, e.g. urgent carer responsibilities, requests made less than 3 months before, will be considered. In deciding whether to support an applicant, the manager should take into account the principles at section 2 and satisfy themselves that the individual has a clear commitment to continuing a career with the organisation, and that the reasons for requesting the break are valid.
- 1.3 Applicants will be notified in writing of the decision within 21 days of the date of submission of their application.
- 1.4 The individual must also complete the form at Appendix 2 to confirm their option in respect of their pension membership during the break (see 2.8.5 above).

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- 1.5 Employees may use the grievance procedure if a request for a break is refused.
- 1.6 Employees will be required to give written notification of their return to work. Where the employment break is for less than a year, 2 months' notice of return is required. For breaks of a year, 3 months' notice of return is required. Employees wishing to return earlier than originally anticipated must give 2 months' notice in writing. Employees wishing to extend the length of their break (up to the maximum of a year) must apply in writing, at least 2 months' before the agreed end, so that appropriate consideration can be given to an extension.
- 1.7 Where an employee returns to work within a year, they will return to the same post they held when the employment break started, as far as is reasonably practicable. If this is not possible, due to restructuring etc., or exceptionally if the combined breaks have been for longer than a year, then every effort will be made to find the employee a post with similar duties and responsibilities to those of the previous post held. Should it not be possible to find a suitable similar position then redundancy may be considered.
- 1.8 Employees may be required to undertake a period of training on their return to work. The content and duration will depend on the length of the break, the post, and any changes in working practices, legislation or policy.

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Barnsley Clinical Commissioning Group

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APPENDIX 1

EMPLOYMENT BREAK – APPLICATION FORM

FULL NAME	DEPARTMENT
EMPLOYEE NUMBER	START DATE WITH THE ORGANISATION

**THIS FORM SHOULD BE SUBMITTED AT LEAST 3 MONTHS BEFORE THE
EMPLOYMENT BREAK IS TO START**

I would like my employment break to start on	
I would like to return to work on	
Reason for employment break	
My contact details (including phone number) during the break will be	

I wish to apply for an extended period of unpaid leave under the Employment Break Scheme. I confirm that:

- I have read and fully understood the conditions detailed within the Employment Break Policy;
- I will complete and submit an Employment Break Financial Agreement prior to my break

SIGNATURE OF EMPLOYEE	DATE
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To be completed by the Management Team Member

I support / do not support this application for an employment break from the organisation. I have attached a written statement outlining the reasons why this application has been accepted / rejected (delete as applicable).

SIGNATURE OF MANAGER	DATE
MANAGER'S NAME (Block letters)	

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APPENDIX 2

EMPLOYMENT BREAK FINANCIAL AGREEMENT

FULL NAME	DEPARTMENT
EMPLOYEE NUMBER	START DATE WITH THE ORGANISATION
START DATE OF EMPLOYMENT BREAK	DATE OF RETURN TO WORK

I confirm that:

- I understand that I have the option to decide whether my employment break should be pensionable for a period of up to one year;
- I understand that, should I decide that I would like my employment break to be pensionable, I remain liable for monthly pension contributions for the period and that, for the first six months of the employment break, I will pay my own contributions and that the organisation will continue to pay employer's contributions;
- I understand that, if I pay my contributions continuously for the first six months of the employment break, I may continue to pension the break for a further period of up to 6months. During this additional period, I will be liable to pay both my own, and the organisation's contributions;
- I understand that contributions will be based on my normal earnings;
- I agree to make monthly payments to organisation via standing order/Direct Debit.
- I understand that, if I fail to make my contributions as agreed, my pension record will be closed down at the date of the last contribution made.

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Please select ONE of the following four options

Option 1	I do not wish my employment break to be treated as pensionable service and understand that my pension record will be closed down at the start of my break with no contributions payable OR	
Option 2	I wish to treat up to the initial six months of my employment break as pensionable and undertake to pay monthly employee contributions via standing order/Direct Debit OR	
Option 3	I wish to treat my employment break as pensionable for a period of months. I undertake to pay monthly employee contributions for the first six months and both employee's and employer's contributions for the remainder of the period. All contributions will be made via standing order/Direct Debit OR	
Option 4	I wish to treat my employment break as pensionable for the maximum period of one year. I undertake to pay monthly employee contributions for the first six months and both employee's and employer's contributions for the remaining 6 months of the period. All contributions will be made via standing order/Direct Debit.	

SIGNATURE OF EMPLOYEE	DATE
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Equality Impact Assessment

Title of policy or service:	Employment Break Policy	
Name and role of officer/s completing the assessment:	Head of HR and Head of Governance and Assurance Manager	
Date of assessment:	September 2017	
Type of EIA completed:	Initial EIA 'Screening' <input checked="" type="checkbox"/> or 'Full' EIA process <input type="checkbox"/>	<i>(select one option - see page 4 for guidance)</i>

1. Outline	
<p>Give a brief summary of your policy or service</p> <ul style="list-style-type: none"> • Aims • Objectives • Links to other policies, including partners, national or regional 	<p>The Employment Break Policy has been designed to reflect section 36 of the NHS Terms and Conditions Handbook in order to enable employees to request an opportunity to take an unpaid break from their employment of up to 1 years. The aim of this policy is to ensure compliance with NHSLA standards and take account of best practice.</p> <p>The policy should be read in conjunction with other relevant HR policies including Flexible Working Policy, Grievance Policy, and Annual and Special Leave Policy, Maternity, Paternity and Adoption Leave Policy.</p>

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Identifying impact:

- **Positive Impact:** will actively promote the standards and values of the CCG.
- **Neutral Impact:** where there are no notable consequences for any group;
- **Negative Impact:** negative or adverse impact: causes or fails to mitigate unacceptable behaviour. If such an impact is identified, the EIA should ensure, that as far as possible, it is eliminated, minimised or counter balanced by other measures. This may result in a 'full' EIA process.

2. Gathering of Information					
This is the core of the analysis; what information do you have that might <i>impact on protected groups, with consideration of the General Equality Duty.</i>					
(Please complete each area)	What key impact have you identified?			For impact identified (either positive or negative) give details below:	
	Positive Impact	Neutral impact	Negative impact	How does this impact and what action, if any, do you need to take to address these issues?	What difference will this make?
Human rights	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provides an additional opportunity for employees to achieve career and personal life balance	
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	“	
Carers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	“	

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Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	“	
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	“	
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	“	
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	“	
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	“	
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	“	
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	“	
Marriage and civil partnership (only eliminating discrimination)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	“	
Other relevant groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	“	
HR Policies only:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Procedure legally compliant and in line with NHS practice	

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IMPORTANT NOTE: *If any of the above results in 'negative' impact, a 'full' EIA which covers a more in depth analysis on areas/groups impacted must be considered and may need to be carried out.*

Having detailed the actions you need to take please transfer them to the action plan below.

3. Action plan				
Issues/impact identified	Actions required	How will you measure impact/progress	Timescale	Officer responsible
No actions have been highlighted	No actions have been highlighted	N/A	N/A	N/A

4. Monitoring, Review and Publication				
When will the proposal be reviewed and by whom?	Lead / Reviewing Officers:	Head of HR and Head of Governance and Assurance	Date of next Review:	September 2019

Once completed, this form **must** be emailed the Equality Lead

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barnsleyccg.equality@nhs.net for sign off:

<p>Equality Lead signature: 13 November 2017</p>	
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