

Career Break Arrangements



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1. Introduction

Council Policy

The Council recognises that there may be times when employees wish to take a break from work for personal reasons and it is beneficial to the organisation to agree to a period of absence e.g. to help enable the individual to develop skills to bring back to the workplace and/or retain key members of staff. A career break may be considered to:

- care for children or other dependents;
- undertake further education or unpaid career development training;
- take an extended holiday;
- fulfil other outside commitments e.g. volunteering or community work.

This Policy details the arrangements for employees to take a career break where this can be accommodated without compromising the needs of the service. There is no entitlement to a career break and the needs of the service will take priority when determining whether an application can be approved, taking into account the;

- operational needs of the service
- purpose of or reasons for the career break
- proposed period and start / end dates requested
- employee's length of service
- employee's remaining length of employment contract
- employee's attendance and performance record
- availability of suitable cover arrangements to maintain continuity of service.

The Scheme applies to all employees directly employed by the Council who have completed two years continuous service with the Authority at the time of applying and is recommended to schools with delegated authority for staffing matters, as "Best Practice". It does not apply to Elevate employees.

Scheme

Where a career break is agreed, the employee will be allowed to take a period of unpaid leave from their substantive post from a minimum 3 months up to a maximum 12 months only.

Agreement to a career break is conditional on the understanding that there is no guarantee that the employee will be able to return to their post or to the same work location at the end of the period. The employee will be advised of any workplace issues affecting their employment and are expected to participate in the consultation process on any redundancies or restructurings relating to their post.

Where the employee's post ceases or is made redundant, every effort will be made to redeploy them, in accordance with the Council's Redeployment Arrangements, however there is no guarantee that alternative work is available or may be found.

2. General

As career breaks involve a break from employment, managers and employees need to ensure they are clear as to the arrangements that will apply during this period and for the employee to return to their post afterwards, (or apply for redeployment where the post has been deleted or made redundant). The issues to be considered include the:

- Operational needs of the service
- Period of the career break and proposed start date e.g. does this coincide with a busy period or scheduled inspections and/or impact on deadlines etc)
- Arrangements for maintaining contact and for the employee to be kept informed of any changes at the workplace (e.g. new legislation or proposed restructures)
- Circumstances where the career break may be terminated early by the employee or manager and the minimum notice required
- Rules that will apply during the career break, e.g. the employee must
 - stay in regular contact with their manager
 - ensure the manager has their up to date contact details
 - arrange to participate in the consultation process on any redundancies or restructurings relating to their post
 - comply with Council policies and procedures
 - not take up any other paid employment
- Pay and pension matters including
 - Tax and National Insurance contributions
 - pension arrangements
 - membership of salary sacrifice schemes
 - repayment of Council loans
 - impact on entitlement to statutory benefits (maternity and sick pay etc)
- Contractual terms and conditions of employment that will/will not apply during the career break and the impact on continuous service (See paragraph 4 on pages 6-8)

Note: It is the employee's responsibility to ensure that they fully investigate the implications for themselves of taking a career break, especially where there is a potential for a loss of benefits, prior to submitting an application.

The arrangements that will apply during the career break period must be clarified and confirmed in writing to the employee before the absence commences. Advice must be obtained from Human Resources if there are any queries as to the contractual arrangements before an application is agreed.

3. Roles and Responsibilities

Managers and employees are required to comply with arrangements detailed in this Policy. These are intended to ensure that they consider the operational needs of the service and contractual implications when considering an application for a career break and if agreed, they understand their responsibilities during the period of absence.

Employee's responsibility

Employees are required to:

- Submit a written application to their Divisional Director (or equivalent) at least 3 months in advance of the date they would like the career break to start, using the form provided at Appendix A
- Discuss the proposal and the implications for the operational needs of the service and work colleagues with their line manager (at Group Manager level or above) before submitting an application
- Investigate the potential implications of a career break on their contractual terms and conditions and entitlement to statutory benefits before submitting an application, this includes: continuous service; pay; Tax and National Insurance; pensions; sickness and maternity benefits; Council loans, childcare vouchers
- Ensure that they do not enter into any financial or other commitments which are dependant on the approval of a career break prior to a decision being made. The Council will not be liable for any costs incurred by employees who make arrangements prior to a career break being granted
- Use any outstanding annual leave entitlement, flexi-time, TOIL, accrued up to the start of the career break as they are not allowed to retain this to take on their return or to receive payment in lieu. They must clear any outstanding "flexi-time" or other leave debit before the start of the career break
- Make alternative arrangements before the start of the career break for the payment of any outstanding Council loans
- Return all Council property prior to the start of the career break including their ID badge, any keys, parking permits, purchasing cards, equipment (including mobile devices, and memory sticks etc), files and work papers held electronically or on hard copy,
- Keep in contact with their line-manager and ensure they are kept informed as to the employee's contact details, including any change of address.
- Notify their line manager at the earliest opportunity of any event which may have a bearing on their employment e.g. if under investigation of a criminal offence
- Participate in the consultation process on proposed redundancies/restructures relating to their post and attend any meetings at the time and place designated
- Provide at least 6 weeks written notice if they wish to apply to return to work early i.e. before the scheduled end of the career break

Manager's responsibility

Managers are required to:

- Advise employees of the process for applying for a career break including their responsibility to investigate the implications for themselves, especially the potential for a loss of benefits, prior to submitting an application.
- Discuss the implications of a career break with the employee in relation to their terms and conditions, e.g. continuous service, pension, leave and sick pay etc (as detailed at paragraph 4 on page 6-8), and the impact on the operational needs of the service and work colleagues

- Consider the operational feasibility of approving the request and how can the post be covered during the employee's absence, when making recommendations to the Divisional Director (or their equivalent)
- Where a career break is agreed:
 - keep in contact with the employee during the absence and inform them of any workplace or organisational issues that may affect their employment
 - ensure that the employee is included in the consultation process on proposed redundancies or restructures relating to their post
 - meet with the employee before the scheduled end of the career break to discuss the arrangements for their return to work including any training needs, temporary support or induction
 - consider a request to return to work early, taking advice from Human Resources as appropriate, and submit recommendations to the Divisional Director (or their equivalent) for their decision
- Consult Human Resources as to the contractual arrangements that will apply during a career break before an application is agreed.

4. Conditions

Career break period

Employees may apply for a break for any period of between 3 months up to 1 year only.

Where a career break is approved, the employee must return to their post at the end of the agreed period, (except where this has been deleted or made redundant); they will not be allowed to apply for:

- i) an extension to the career break; or
- ii) another career break within 12 months of their return.

Applications

Employees are only allowed to make one application within any 12 month period.

Applications should be made in writing to the Divisional Director (or their equivalent) at least 3 months before the employee wishes the career break to start, using the form provided at Appendix A. If approved, the employee will be required to sign a written agreement of the terms and conditions attached to the career break.

Maintaining contact

The manager and employee must remain in contact during the career break period.

The manager will keep the employee updated on any workplace or organisational issues that may affect their employment and include them in any consultation process on proposed redundancies or restructures. The employee is expected to participate in any consultation process relating to their post, and to attend any meetings at the time and place designated.

The employee must keep the manager informed of any changes in their circumstances and report, at the earliest opportunity, any event which occurs to them during the career break that may have a bearing on their employment, e.g. if they are under investigation of a criminal offence. The Council will then decide whether the matter should be taken further.

Note: The employee should be invited to attend any training or refresher courses which are considered appropriate. Attendance will be voluntary and without pay.

Employment terms and conditions

The pay and leave arrangements that apply during the career will be as follows:

- Pay: career breaks will be unpaid and there is no entitlement to payment of salary, allowances, non-statutory leave, occupational sick pay or occupational maternity / paternity / adoptive pay etc.
- Child care vouchers: Participation in the scheme will cease on the start of the absence and employees must re-apply to join on their return to duty
- Cost of living increases; any cost of living increases / decreases and changes to pay and grading structures that the Council implement during the employee's absence will only apply on their return to work
- Tax and National Insurance; the Council will not be liable for any tax or National Insurance contributions during the period of absence and this could affect the employee's right to and payment of statutory payments such as:
 - Statutory Sick Pay (SSP)
 - Statutory Maternity Pay (SMP)
 - Statutory Paternity and Adoptive Pay
- Council loans; employees must make alternative payment arrangements before the start of a career break for any Councils loans whilst they are on leave
- Pension: employees in the Local Government Pension Scheme must continue making contributions for the first 30 days of a career break, after which a break in pensionable service will apply and no further contributions can be made
- Annual leave: will not accrue for the duration of the career break, but the break shall count as 'qualifying service' towards leave entitlements on the employees return to duty the break
- Continuous service: a career break period will be regarded as continuous service for the purposes of statutory redundancy, maternity pay and unfair dismissal rights; it does not count for any enhanced redundancy provision which will be based on continuous service accrued prior to and after the career break.
- Policies and procedures: employees will be subject to the Council's policies and procedures during the career break, this includes:
 - Employee's Code of Conduct
 - Disciplinary Procedure and Rules
 - Data protection / information governance including the use of social media
- Sick pay: employees will not be entitled to occupational sick pay while on a career break, but the duration of the break will count towards their sick pay entitlement on their return to work

Council property

Employees are required to return all Council property to their line manager before the start of the career break; this includes their ID badge and any keys, parking permits, equipment (including mobile devices, CD/DVD's and memory sticks etc), files and/or work papers whether held electronically or hard copies, and purchasing cards.

Other employment

Employees are not allowed to undertake any paid employment, with the Council or any other employer, whilst on a career break without the prior written agreement of the Division Director (or their equivalent).

Employment with another employer not covered by the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Orders will result in a break in continuity of service and the termination of their employment with the Council.

Resignations

If the employee resigns or decides not to return to work after the career break they should inform their manager at the earliest opportunity. They will be required to repay any loans of financial assistance that have received through schemes operated by the Council (e.g. bicycle, car or season ticket loans or in relation to relocation or training).

If an employee resigns during a career break, their normal contractual notice period will apply. The employee may be required to work for some or all of the notice period at the discretion of their manager. If they do not return to work their service with the Council will be taken to have ended at the beginning of the career break.

Returning to work

The employee must give 4 weeks' written notice to confirm their intention to return to work, and agree starting details with their manager.

If the employee's circumstances change and they wish to return to work early, they must contact their line manager as soon as possible and give a minimum 6 weeks notice of the proposed return date. Requests will be considered subject to the needs of the service and whether another person has been recruited to cover the career break.

5. Application process

Employees who are contemplating applying for a career break should discuss this with their manager (at Group Manager level or above) in the first instance, including:

- Their reason(s) for wishing to take a career break;
- The proposed length of the break, including the start and end dates;
- How they think the absence can be covered, this may include;
 - leaving the post vacant;
 - an acting-up arrangement or secondment;

- The implications relating to the employee's terms and conditions, (including continuous service, pension and leave and sick pay), and how this may impact on their entitlement to statutory benefits.

It is the employee's responsibility to fully investigate this for themselves before applying.

If it is agreed that a career break may be accommodated, the employee should then complete and submit a formal application to their Divisional Director (or their equivalent) using the form at Appendix A.

The Divisional Director (or their equivalent) will then discuss the application with Human Resources to ascertain the feasibility of the proposed career break. They will notify the employee in writing of their decision within 10 working days of receipt of the application.

- i) If the application is approved, Human Resources will issue a career break agreement which must be signed and returned before the period of absence can commence. This will include the terms and conditions, dates and requirements to be fulfilled by both parties during the career break.
- ii) If the application is not approved, the employee will have a right to appeal to their Corporate Director, or if they did not agree the application, to another Corporate Director whose decision is final. There is no other right of appeal.

6. Monitoring

Applications for career breaks will be monitored and reviewed annually to ensure that the arrangements are applied fairly and consistently across the Council.

Human Resources will automatically update the arrangements to comply with any changes to legislation and / or ACAS guidance and notify employees of the amendments.

Appendix A.

Application for a Career Break

Part 1: To be completed by employee (and submitted at least 3 months before the proposed starting date of the career break)

Employee Name: _____ **Job Title:** _____
Team/service: _____ **Department:** _____
Reason for the career break: _____

Period requested, (min 3 months/max 12 months), including start/finish dates: _____

Additional comments, e.g. how can this be accommodated within your area of work: _____

Date discussed with your line manager (at Group Manager level or above): _____

To be signed by employee:

I confirm that I have investigated for myself the implications of taking a career break on my contractual terms and conditions and the potential loss of statutory benefits and I understand and agree to the terms of a career break if the application is agreed.

Signed: _____ **Print Name:** _____
Date: _____

Please forward the signed Form to your Divisional Director (or their equivalent)
.....

Part 2: To be completed by the Divisional Director (or their equivalent)

Line manager's (at Group Manager or above) recommendations (if supporting the application, how do they think the post may be covered): _____

Decision (to approve/not approve career break): _____

Reason(s); _____

Any conditions attached to the career break (where appropriate): _____

Signed: _____ **Print Name:** _____
Date: _____

.....

Please notify the employee of the decision and return the completed form to the HR Service Centre to process the request where approved and/or go on their Personnel File.

London Borough of Barking and Dagenham
Call direct on 020 8215 3000

Out of hours emergencies only
Phone: 020 8594 8356
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