

## EMPLOYMENT BREAK POLICY

**April 2018**

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<b>Reviewing Committee :</b>	Social Partnership Forum
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## POLICY AMENDMENTS

Amendments to the policy will be issued from time to time. A new amendment history will be issued with each change.

<b>New Version Number</b>	<b>Issued by</b>	<b>Nature of Amendment</b>	<b>Approved by and date</b>	<b>Date on Internet</b>
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01904 555870 or [valeofyork.contactus@nhs.net](mailto:valeofyork.contactus@nhs.net)

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## 1. INTRODUCTION

- 1.1 NHS Vale of York Clinical Commissioning Group (the CCG) 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 five years.
- 1.2 The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCG's Data Protection and Confidentiality and related policies and procedures.

## 2. POLICY STATEMENT

- 2.1. The Vale of York Clinical Commissioning Group aspires to the highest standards of corporate behaviour and responsibility. All Vale of York Clinical Commissioning Group staff are required to comply with this policy.

## 3. IMPACT ANALYSES

### **Equality**

- 3.1. In applying this policy, the CCG will have due regard to 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.
- 3.2. An Equality Impact Assessment is attached at **Appendix 1**. As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share Protected Characteristics and no further actions are recommended at this stage.

### **Sustainability**

- 3.3. A Sustainability Impact Assessment has been completed for this policy and is attached at **Appendix 2**.

## 4. SCOPE

- 4.1 This policy applies to all staff directly employed by the CCG.

## 5. POLICY PURPOSE /AIMS AND FAILURE TO COMPLY

- 5.1 The Employment Break Policy has been designed to allow employees the opportunity to take an unpaid break from their employment, of up to five years.
- 5.2 For statutory purposes, such as calculations for relevant statutory entitlements, the period of the break will count towards continuous employment, however all contractual terms and conditions of employment with the CCG will be suspended. The period of the employment break will therefore not count as 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. Please refer to the Agenda For Change Handbook for further information.
- 5.3 To qualify for an Employment Break, employees must :
- Have been employed by the CCG, continuously for a period of twelve months or more;
  - Have demonstrated a commitment to continuing their employment with the CCG;
  - Have the approval of an appropriate authorising manager.
- 5.4 Subject to business 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.
- 5.5 The length of the employment break will normally be for a minimum of three months up to a maximum of five years. 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 five years. **Requests for an employment break, the length and any changes will be agreed in line with the Employment Break procedure.**
- 5.6 Managers, where appropriate, should make every opportunity to 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.

- 5.7 Employees will be expected to maintain contact with their manager, and should inform the CCG of any changes to personal circumstances, i.e. change of home address.
- 5.8. Employees on an employment break will not normally be allowed to undertake:
- 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 approval should be sought prior to the start of the employment break.
  - Employees considering an employment break should be aware of the following
- 5.9 **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.
- 5.10 **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.
- 5.11 **Pay** – on return to work, employees would resume, for pay purposes, at the same pay point, reflecting any national increases awarded during the break, 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.
- 5.12 **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.
- 5.13 **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.

If the employee chooses to class up to the first two years of the employment break as pensionable service then for the first six months of the employment break, 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 18 months (maximum of two years in total). 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 advice is available from the NHS Pensions Agency. <http://www.nhsbsa.nhs.uk/pensions>

- 5.14 **Company 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.
- 5.15 **Applying for other positions** – when on an employment break, an employee is free to apply for other positions within the CCG. However, employees should note that, should they be successful, continuation of the employment break cannot be guaranteed as it will depend upon the business needs and exigencies 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 application being submitted.  
All records of applications and decisions will be kept on an employee's file, and held centrally by the Workforce Team
- 5.16 **Organisational change** - should organisational change, such as a significant restructure, occur whilst an employee is on an employment break then attempts to contact them will be made using the contact details provided to the CCG so that communication about the change is received by them. Consultation relating to proposed changes affecting their employment will take place as appropriate and as reasonably possible.
- 5.17 **Return to work** - if the employee returns to work within one year, then they will return to same job, as far as is reasonably practicable; if the break is longer than one year, the employee may return to as similar a job as possible.

## **6. PRINCIPAL LEGISLATION AND COMPLIANCE WITH STANDARDS**

### **Statutory Instrument**

#### **Bribery Act 2010**

6.1. The Bribery Act is particularly relevant to this policy. Under the Bribery Act it is a criminal offence to:

- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and
- Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or activity would then be performed improperly, or as a reward for having already done so.

These offences can be committed directly or by and through a third person and other related policies and documentation (as detailed on the CCG intranet) when considering whether to offer or accept gifts and hospitality and/or other incentives.

Anyone with concerns or reasonably held suspicions about potentially fraudulent activity or practice should refer to the Local Anti-Fraud and Corruption Policy and contact the Local Counter Fraud Specialist

## **7. ROLES / RESPONSIBILITIES / DUTIES**

## **8. POLICY IMPLEMENTATION**

8.1. This policy will be communicated to staff via team meetings/team brief and will be available for staff on the intranet.

8.2. Breaches of this policy may be investigated and may result in the matter being treated as a disciplinary offence under the CCG's disciplinary procedure.

## **9. REQUESTS**

9.1. Employees wishing to apply for an employment break should complete the application form at Appendix 1, and submit it to their manager. Both the proposed commencement date and return to work date should be included. A copy must be sent to the eMBED Workforce Team.

9.2. Applications must be submitted to the authorising manager, at least 3 months prior to commencement of the intended break. Requests made less than 3 months before, will be considered only in exceptional circumstances. In deciding whether to support an applicant, the authorising manager should

satisfy themselves that the individual has a clear commitment to continuing a employment with the CCG, and that the reasons for requesting the break are valid. They must also ensure that approving the request will not cause detriment to the CCG and therefore it is likely they will need to discuss with senior leaders in the CCG.

- 9.3. Applicants will be notified in writing of the decision within 21 days of the date of submission of their application. A copy must be sent to the eMBED Workforce Team.
- 9.4. The individual must also complete the form at Appendix 2 to confirm their option in respect of their pension membership during the break (see 5.9.5 above).
- 9.5. Employees may resort to the grievance procedure if a request for a break is refused.

## **10. CONFIRMING A RETURN AFTER AN EMPLOYMENT BREAK**

- 10.1. 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 longer than a year, 6 months' notice of return is required.
- 10.2. Changes to length of Employment Break Employees wishing to return earlier than originally anticipated must give 2 months' notice in writing. Employees wishing to extend the length of their employment break must apply in writing, at least 2 months' before the agreed end, so that appropriate consideration can be given to an extension.
- 10.3. 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 if the break has 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.
- 10.4. 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.

### **Failure to return**

- 10.5. If the employee fails to return to the CCG following the employment break it shall be deemed that they have now resigned.

## **11. TRAINING AND AWARENESS**

- 11.1. A copy of the policy will be available on the CCG intranet. Training needs will be identified via the appraisal process and training needs analysis.

## **12. MONITORING AND AUDIT**

- 12.1. The implementation of this policy will be audited on an annual basis by the CCG and reported to CCG Governing Body.

## **13. POLICY REVIEW**

- 13.1. The policy and procedure will be reviewed after 4 years for the CCG Governing Body in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

## **14. REFERENCES**

## **15. ASSOCIATED POLICIES**

- Other Leave Policy

## **16. CONTACT DETAILS**

**Manager Name:** Planning and Assurance Manager

**Telephone:** 01904 555578

**Email:** [valeofyork.contactus@nhs.net](mailto:valeofyork.contactus@nhs.net)

**Address:** NHS Vale of York Clinical Commissioning Group, West Offices, Station Rise, York. Y01 6GA

## 17. APPENDIX 1 : EQUALITY IMPACT ANALYSIS FORM

1.	<b>Title of policy/ programme/ service being analysed</b>
	Employment Break Policy
2.	<b>Please state the aims and objectives of this work.</b>
3.	<b>Who is likely to be affected? (e.g. staff, patients, service users)</b>
	Staff
4.	<b>What sources of equality information have you used to inform your piece of work?</b>
	Staff data
5.	<b>What steps have been taken ensure that the organisation has paid <u>due regard</u> to the need to eliminate discrimination, advance equal opportunities and foster good relations between people with protected characteristics</b>
	The analysis of equalities is embedded within the CCG's Committee Terms of Reference and project management framework.
6.	<b>Who have you involved in the development of this piece of work?</b>
	<p><b>Internal involvement:</b> Senior Management team</p> <p><b>Stakeholder involvement:</b> Consultation with Senior Managers</p> <p><b>Patient / carer / public involvement:</b> This is an Internal policy aimed at staff employed by the CCG and contractors working for the CCG. The focus is on compliance with statutory duties and NHS mandated principals and practice. There are no particular equality implications.</p>
7.	<b>What evidence do you have of any potential adverse or positive impact on groups with protected characteristics? Do you have any gaps in information? Include any supporting evidence e.g. research, data or feedback from engagement activities</b>
	(Refer to Error! Reference source not found. if your piece of work relates to commissioning activity to gather he evidence during all stages of the commissioning cycle)

<b>Disability</b> People who are learning disabled, physically disabled, people with mental illness, sensory loss and long term chronic conditions such as diabetes, HIV)	Consider building access, communication requirements, making reasonable adjustments for individuals etc.
N/A	
<b>Sex</b> Men and Women	Consider gender preference in key worker, single sex accommodation etc.
N/A	
<b>Race or nationality</b> People of different ethnic backgrounds, including Roma Gypsies and Travellers	Consider cultural traditions, food requirements, communication styles, language needs etc.
N/A	
<b>Age</b> This applies to all age groups. This can include safeguarding, consent and child welfare	Consider access to services or employment based on need/merit not age, effective communication strategies etc.
N/A	
<b>Trans</b> People who have undergone gender reassignment (sex change) and those who identify as trans	Consider privacy of data, harassment, access to unisex toilets & bathing areas etc.
N/A	
<b>Sexual orientation</b> This will include lesbian, gay and bi-sexual people as well as heterosexual people.	Consider whether the service acknowledges same sex partners as next of kin, harassment, inclusive language etc.
N/A	
<b>Religion or belief</b> Includes religions, beliefs or no religion or belief	Consider holiday scheduling, appointment timing, dietary considerations, prayer space etc.
N/A	

<p><b>Marriage and Civil Partnership</b> Refers to legally recognised partnerships (employment policies only)</p>	<p>Consider whether civil partners are included in benefit and leave policies etc.</p>
<p>N/A</p>	
<p><b>Pregnancy and maternity</b> Refers to the pregnancy period and the first year after birth</p>	<p>Consider impact on working arrangements, part-time working, infant caring responsibilities etc.</p>
<p>N/A</p>	
<p><b>Carers</b> This relates to general caring responsibilities for someone of any age.</p>	<p>Consider impact on part-time working, shift-patterns, options for flexi working etc.</p>
<p>N/A</p>	
<p><b>Other disadvantaged groups</b> This relates to groups experiencing health inequalities such as people living in deprived areas, new migrants, people who are homeless, ex-offenders, people with HIV.</p>	<p>Consider ease of access, location of service, historic take-up of service etc.</p>
<p>N/A</p>	
<p><b>8.</b></p>	<p><b>Action planning for improvement</b> Please outline what mitigating actions have been considered to eliminate any adverse impact?</p> <p>Please state if there are any opportunities to advance equality of opportunity and/ foster good relationships between different groups of people?</p> <p>An Equality Action Plan template is appended to assist in meeting the requirements of the general duty</p>

<b>Sign off</b>
Name and signature of person / team who carried out this analysis
Date analysis completed
Name and signature of responsible Director
Date analysis was approved by responsible Director

## 19. APPENDIX 2 : SUSTAINABILITY IMPACT ASSESSMENT

Staff preparing a policy, Governing Body (or Sub-Committee) report, service development plan or project are required to complete a Sustainability Impact Assessment (SIA). The purpose of this SIA is to record any positive or negative impacts that this is likely to have on sustainability.

Title of the document	Employment Break Policy
What is the main purpose of the document	
Date completed	
Completed by	

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Travel	Will it provide / improve / promote alternatives to car based transport?	N/A		
	Will it support more efficient use of cars (car sharing, low emission vehicles, environmentally friendly fuels and technologies)?	N/A		
	Will it reduce 'care miles' (telecare, care closer) to home?	N/A		
	Will it promote active travel (cycling, walking)?	N/A		
	Will it improve access to opportunities and facilities for all groups?	N/A		
	Will it specify social, economic and environmental outcomes to be accounted for in procurement and delivery?	N/A		

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Procurement	Will it stimulate innovation among providers of services related to the delivery of the organisations' social, economic and environmental objectives?	N/A		
	Will it promote ethical purchasing of goods or services?	N/A		
Procurement	Will it promote greater efficiency of resource use?	N/A		
	Will it obtain maximum value from pharmaceuticals and technologies (medicines management, prescribing, and supply chain)?	N/A		
	Will it support local or regional supply chains?	N/A		
	Will it promote access to local services (care closer to home)?	N/A		
	Will it make current activities more efficient or alter service delivery models	N/A		
Facilities Management	Will it reduce the amount of waste produced or increase the amount of waste recycled?	N/A		
	Will it reduce water consumption?			
Workforce	Will it provide employment opportunities for local people?	N/A		
	Will it promote or support equal employment opportunities?	N/A		

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
	Will it promote healthy working lives (including health and safety at work, work-life/home-life balance and family friendly policies)?	1		
	Will it offer employment opportunities to disadvantaged groups?	N/A		
Community Engagement	Will it promote health and sustainable development?	0		
	Have you sought the views of our communities in relation to the impact on sustainable development for this activity?	N/A		
Buildings	Will it improve the resource efficiency of new or refurbished buildings (water, energy, density, use of existing buildings, designing for a longer lifespan)?	N/A		
	Will it increase safety and security in new buildings and developments?	N/A		
	Will it reduce greenhouse gas emissions from transport (choice of mode of transport, reducing need to travel)?	N/A		
	Will it provide sympathetic and appropriate landscaping around new development?	N/A		
	Will it improve access to the built environment?	N/A		

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Adaptation to Climate Change	Will it support the plan for the likely effects of climate change (e.g. identifying vulnerable groups; contingency planning for flood, heat wave and other weather extremes)?	N/A		
Models of Care	Will it minimise 'care miles' making better use of new technologies such as telecare and telehealth, delivering care in settings closer to people's homes?	N/A		
	Will it promote prevention and self-management?	N/A		
	Will it provide evidence-based, personalised care that achieves the best possible outcomes with the resources available?	N/A		
	Will it deliver integrated care, that co-ordinate different elements of care more effectively and remove duplication and redundancy from care pathways?	N/A		

**20. APPENDIX 3 : EMPLOYMENT BREAK SCHEME – APPLICATION FORM**

FULL NAME	CCG SERVICE AREA
PERSONAL NUMBER	START DATE WITH THE CCG

**THIS FORM SHOULD BE SUBMITTED TO THE LINE MANAGER WITH A COPY TO THE eMBED WORKFORCE TEAM 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.

<b>SIGNATURE OF EMPLOYEE</b>	<b>DATE</b>
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**To be completed by the Authorising Manager**

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

<b>SIGNATURE OF MANAGER</b>	<b>DATE</b>
<b>MANAGER'S NAME (Block letters)</b>	

## 21. APPENDIX 4 : EMPLOYMENT BREAK FINANCIAL AGREEMENT

FULL NAME	CCG SERVICE AREA
PERSONAL NUMBER	START DATE WITH THE CCG
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 two years;
- 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 CCG 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 18 months. During this additional period, I will be liable to pay both my own, and the CCG's contributions;
- I understand that contributions will be based on my normal earnings;
- I agree to make monthly payments to CCG 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.

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 two years. I undertake to pay monthly employee contributions for the first six months and both employee's and employer's contributions for the remaining 18 months of the period. All contributions will be made via standing order/Direct Debit.	

SIGNATURE OF EMPLOYEE	DATE
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## 22. APPENDIX 5 : WORKFORCE PROCEDURE FOR RECORDING AND MONITORING EMPLOYMENT BREAK APPLICATIONS

### Workforce Procedure for Recording and Monitoring Employment Break Applications

- 1 A copy of the Employment Break Scheme Application Form (Appendix 1) is sent by the individual to the eMBED Workforce Team.



- 2 A copy of the response letter should be provided by the manager to the eMBED Workforce Team.



- 3 An eMBED Workforce administrator will record the request and outcome. Equality and Diversity monitoring information will also be obtained from ESR and held on this record.



- 4 The eMBED Workforce Team will contact managers to obtain details of the response if this is not provided in a timely manner.



- 5 Reports will be produced every six months by the eMBED Workforce Team and provided to the CCG / eMBED management team.