

HR Employment Policy & Procedures

Implementation Date: 2<sup>nd</sup> March 2020

# Career Break Policy

The behaviours outlined in the ACHIEVE Framework should be reflected in the application of this Policy.



**Document Management - Version Control**

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<b>Linked Policy, Policys and Procedures</b>	N/A	

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## 1. Introduction

- 1.1. West Dunbartonshire Council is committed to providing the opportunity for employees to achieve a positive work life balance through effective and productive ways of working that meet both business and employee needs.
- 1.2. This career break policy has been developed as a beneficial addition to the councils suite of flexible working supports. This policy provides an opportunity to retain an employee's skills and knowledge, when their personal circumstances require consideration of a break from work.

## 2. Scope

- 2.1. The Policy applies to all Local Government, Craft and Chief Officers with at least 2 years continuous service with West Dunbartonshire Council at the time of application. Teachers and associate professionals covered by SNCT terms and conditions have a separate career break policy detailed in LNCT Agreement No 8.
- 2.2. The Council will ensure that good equal opportunities practice underpins the operation of this policy irrespective of age, disability, sex, gender re-assignment, race, religion and belief, pregnancy and maternity, marriage and civil partnership or sexual orientation.

## 3. Aims of the Policy

- 3.1 This policy defines what a career break is and outlines the principles and process to be followed when considering an application for a career break, including the appeals process. It concludes by detailing the terms and conditions associated with a career break agreement to ensure that all parties are clear as to the terms of the agreement.

## 4. Career Breaks

### Definition of career break

- 4.1. A career break is a period of approved unpaid leave, which provides an opportunity for employees to obtain an extended break to allow them to:
  - Undertake educational activities, a relevant course of study or other skills development activity;
  - Extended periods of travel;
  - Undertake voluntary work;
  - Undertake personal development activity;
  - Care for or support family members; and/or
  - Manage their own wellbeing and health.
- 4.2. While the list above is not exhaustive, a career break should **not** be used for seeking alternative work with another employer. Should an applicant wish to undertake work while on a career break this must be fully discussed with their

line manager and have approval from a Service Manager, prior to commencement. HR will provide support and guidance in this matter and it may be considered that the council's Secondment Policy is more appropriate.

### Management Considerations

- 4.3. All applications for career breaks will be considered on their own merits taking into consideration the exigencies of the service. Managers will be required to consider what impact the career break will have on service provision and the need for any resulting replacement arrangements. How the resultant vacancy is filled/covered will depend on each individual case, e.g. such as the length of the break, type of vacancy and could be filled by one of the following:-
- Employees Temporarily Acting Up.
  - Responsibility Payments.
  - Advertised internally as a temporary post with the successful applicant, if currently employed on a permanent basis, having the right to return to their original post.
  - Advertised externally as a temporary contract.
  - Advertised internally/externally and filled on a permanent basis, in certain circumstances where staffing levels and future workforce planning allows.
- 4.4. In some circumstances e.g. business critical roles or specialisms, it may be appropriate to test the recruitment market to inform whether a career break can indeed be supported.
- 4.5. In most circumstances the employee will return to the post they held prior to the career break. However, to support a career break it may be appropriate to discuss returning to an alternative post. In this circumstance the terms of role on return must be agreed and confirmed in writing prior to the commencement of the career break.
- 4.6. All career breaks must be agreed by both parties and approved prior to the career break commencing.

### Duration

- 4.7. In line with the needs of the service a career break will normally last for a minimum of six months, and a maximum of 2 years. The length of the intended career break should be identified at the point of application.

## **5. Roles and Responsibilities**

### **5.1. Employee's responsibilities**

- To discuss the terms of the career break requirement with their line manager at the earliest opportunity.
- To complete the relevant application forms and obtain the relevant approval prior to commencement of career break
- To sign and return the career break agreement prior to commencement of the career break
- To remain in contact with their manager through the course of the career break, and notify of any changes to contact details
- To consider, and seek advice as appropriate, on the contractual implications of the career break

## **5.2 Manager's Responsibilities**

- To consider all career break requests, only refusing a request where there is clear, demonstrable business reasons why this cannot be supported.
- Consider all the implications of the career break, including the financial considerations, eg the potential for APC's (see section 9.7). this may effect back fill budgeting.
- If a career break cannot be approved for the duration requested, consider alternative durations.
- Follow the application process and provide reasons for an application being supported or rejected in writing.
- Ensure that the career break agreement is signed prior to commencement of the career break
- To keep in touch with the employee while they are on career break as appropriate and agreed.

## **5.3 Human Resources**

- To support the application of the career break process,
- Support managers and employees to make informed decisions regarding the process and the potential considerations.
- Support the application and appeals process.

## **6. Application and Appeals procedure**

### **Application Procedure**

- 6.1. Employees who wish to apply for a career break should discuss the matter initially with their line manager in accordance with the principles of the career break policy.
- 6.2. Applications for a career break should be submitted in writing on the Career Break request form (Appendix 1) at least three months prior to the proposed date of commencement (unless there are exceptional circumstances why this period cannot be met). The application should be submitted to the employee's manager stating the anticipated length of the career break as well as providing full details of the reason for requesting the career break.

- 6.3. When considering a career break application, managers must balance the request with the operational needs of the Service and how the resultant vacancy could be filled/covered. Both managers and employees will have to ensure that it will be possible to meet the operational needs of the Service.
- 6.4. All career breaks must be approved by the relevant service manager. Line managers must complete the line managers section of Appendix 1 and forward it to their Service Manager for final consideration and approval/rejection as appropriate. Employees will normally be given a written response within four weeks from receipt of the application.
- 6.5. When considering an application for career break Service Managers will discuss the details of the career break with Human Resources and HR Business Partners must be aware of all career break agreements before approval.
- 6.6. The manager's decision will be confirmed to the employee in writing (Template letter 1 provides a template for approval. Template letter 2 provides a letter declining the request and the rationale for this must be provided).
- 6.7. Should the application be approved, the Line Manager should notify HR Connect of this outcome through the Notification of Change to Current Role form, to ensure payroll are notified and records updated.
- 6.8. If the application has been refused, the employee will be advised as to the grounds for refusal and there will be the opportunity to appeal against this decision.

### **The Appeals Procedure**

- 6.9. Should the employee wish to appeal, they must exercise the right of appeal in writing to the Strategic Lead (or Director, if Strategic Lead made original decision) no later than 10 working days from the decision being confirmed to them in writing.
- 6.10. The Strategic Lead / Director, or designated officer, will chair the appeal hearing the outcome of which will be final.
- 6.11. The appeal should take place within 28 days of the employee's appeal submission.
- 6.12. Should the appeal be upheld HR Connect should be informed of the outcome, to ensure payroll are notified and records updated.
- 6.13. If the career break is refused after appeal an employee can make another request for a career break 12 months after the original application. Further applications will be subject to the same application and appeal procedures.

## **7. Contact during Career Break**

- 7.1. Prior to the commencement of a career break the employee is obliged to provide their manager with appropriate contact details eg telephone number and email. The arrangement for keeping in touch should be discussed and agreed so that both parties have a clear understanding of nature and frequency of contact. This is essential to ensure that employees are kept up to date with changes and business developments within the workplace and also helps to maintain an employees confidence, skills and knowledge and eases the return to work process.
- 7.2. The information an employee needs while on a career break will vary according to the size of the service, the type and level of job and the length of the career break. It is therefore essential to strike a balance between too much and too little information. This should be discussed and agreed with the employee.
- 7.3. Should there be any service redesign while an employee is on a career break, the Council's Organisational Change Policy will apply. The employee will be kept informed and treated no less favourably than their colleagues, and any discussions/procedures relating to redeployment/ redundancy will take place in the same way as if the employee were not on a career break. HR must be fully involved in all redesign discussions.
- 7.4. It may be appropriate for an employee to attend training courses aimed at updating their skills in response to changes and developments in work and to maintain knowledge and skills in their work area during the career break. If this is not possible, managers should be vigilant that employees may require training immediately before returning to work from the career break.
- 7.5. If requested by the employee, the manager can advise an employee on a career break of vacancies and, in the later stages of a career break, any acting up arrangements or development opportunities. This contact is considered as informal contact and does not constitute a work commitment.
- 7.6. For the purposes of preparation for a return to work it shall be open for the manager and employee to agree a more formal engagement such as training / induction. In this circumstance this engagement would be paid or subject to time off in lieu on return to work.

## **8. Returning to work**

- 8.1. Within the terms of the career break the employee will be required to contact their manager to confirm their return date 3 months prior to the agreed return date.
- 8.2. It is acknowledged that individual's circumstances can change during a career break and there may be a requirement for some flexibility to support extensions or early return.



- 8.3. Should an employee wish to extend their career break or return early, this request should be made in writing and a minimum of 3 months notice should be given . The council is not obliged to grant the extension or contraction but should consider the merits of the application in line with the exigencies of the service. In these circumstances the impact on the cover arrangements must also be considered, which may also include contractual or employment rights.
- 8.4. Employees on a career break who wish to resign from their post must give as much notice as possible, and contractual notice as a minimum.
- 8.5. As previously highlighted, employees may require training immediately before returning to work from the career break. Employees should arrange to attend a meeting with their line manager in advance of their return to work to discuss the post they are returning to and to agree any appropriate programme of training.

## **9. Conditions of service while on Career Break**

- 9.1. A career break is a period of leave without pay and will not count towards continuous service. Pay and benefits will be suspended during the period of the career break and resume on the employee's return to work. Employees will not be entitled to any incremental progression for the duration of the break.
- 9.2. On return from a career break the separate periods of employment (i.e. before the career break and after the career break) will be treated as reckonable for statutory and contractual purposes. While career breaks do not count towards service, neither do they break it.

### Leave/Statutory Entitlement

- 9.3. During the career break employees will not accrue any annual leave or be entitled to statutory payments such as occupational sick pay, maternity, paternity or adoption pay from West Dunbartonshire Council.
- 9.4. The entitlement to annual leave during the leave years in which the career break commences and ends will be calculated pro rata to the part year period of service. In normal circumstances any outstanding annual leave should be taken prior to the start of the career break.

### National insurance implications

- 9.5. Employees considering a career break must be aware of the implications regarding National Insurance Benefits if they take a career break. It is therefore the responsibility of employees to consult with the local Department of Work and Pensions office about potential implications based on their individual circumstances at the time of applying and during the career break.

### Pension policy

- 9.6. Employee are also required to consider the implications regarding pension. Employees who are members of the Local Government Pension Policy (LGPS) will continue to pay their pension contributions for the first 30 days of unpaid leave, but otherwise Contributions to the occupational pension policy will cease while an employee is on a career break and the period will not count as pensionable service unless the employee decides (and is eligible) to buy back lost pensionable service. During the career break, no employer contributions will be payable by the council.
- 9.7. On return to work an employee may arrange to buy back the lost pensionable service using the Additional Pension Contributions provisions. A request to do so must be submitted in writing to the payroll section within 30 days of return from career break, after which an S4 form will be completed for submission to Strathclyde Pension Fund. If permitted, the council is also required to pay the employers contribution of 2/3rds for the career break period.
- 9.8. While contributions cease during the career break period, an employee will remain an active member of the LGPS, and as such will still be eligible for death in service benefits. In the event of death during a career break the lump sum payment will be paid to the employee's estate.

### Salary Sacrifice Employee Benefits Policies

- 9.9. Where an employee participates in a salary sacrifice policy then they must repay any outstanding balance before commencing their career break.

### Membership or Registrations

- 9.10. Employees who are members of accredited organisations related to their job are responsible for maintaining their membership or registration, as appropriate, during the period of their career break and must ensure that it is in place for their return to work. Failure to maintain registration could impact on return date.

### Allowances

- 9.11. Allowances such as first aid etc. will not be payable during the period of a career break.

## **10. Monitoring and Measuring success**

- 10.1** The Council will, in partnership with the trade unions, monitor applications for, and use of career breaks with a view to ensuring the fair and consistent application of this

## **11. Review of Policy**

- 11.1. This policy will be updated to incorporate any relevant change to legislation or best practice as required.

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