

CAREER BREAK GUIDANCE

1.0 Principles

- 1.1 Any eligible employee can apply for a career break.
- 1.2 In accordance with Agenda for Change Terms and Conditions, Part 5 Section 36, provides employees with the right to access a career break scheme.
- 1.3 Requests must be considered objectively and an employer can only refuse a request if there are business reasons for doing so. The reasons are set out in Section 6.2 of this document.
- 1.4 Staff are encouraged to have an informal discussion with their line manager. It is important that employees understand that some requests may not be suitable to some posts or departments and hence, their request will be considered on an individual basis and in light of service needs, with appropriate documentation completed by the employee.
- 1.5 The Trust recognises the need to provide staff with the opportunity to take a longer period away from work than that provided by the annual and special leave policies, and other leave arrangements. Career breaks can be used for care of a dependant, to undertake extended training, development or research or for other reasons which would be considered on their own merit. The scheme attempts to help staff to achieve a healthy work-life balance which in turn improves the quality of patient care delivered. The purpose of this policy is to explain the options available to staff and the process involved.
- 1.6 As an Equal Opportunities employer, The Trust wishes to help employees balance the demands of their personal and work responsibilities. The provision to request a career break will allow employees to explore other areas of interest and to work flexibly around their personal life responsibilities. This achieves a healthy work life balance for the individual and improves the quality of patient care.
- 1.7 In managing career break requirements, the following principles will always apply:
 - **Openness and Transparency** - employee's options and how decisions are reached will be open and shared with staff at all times.

- **Fairness and Equity** - employees will be treated fairly and equitably, as individuals, recognising that we are all unique.
- **Consistency of approach** - the options detailed in the policy will be applied consistently to all staff.
- **Confidentiality**- information given to the Line Manager and Human Resources regarding the employee's circumstances will be treated in complete confidence.

2.0 Qualifying conditions

To be eligible to make a Career Break request the employee must fulfil the following conditions:

- They must be employed by University Hospitals Sussex NHS Trust (Agency or bank workers do not qualify)
- They must have worked continuously with the NHS for at least 12 months on the date they make the request

3.0 Notification Requirements

- 3.1 The employee must inform the line manager of their intention to request a Career Break at the earliest opportunity; however a minimum three months' notice must be given.

4.0 Procedure for Applying for a Career Break

4.1 Application

- 4.1.1 If the employee meets the qualifying criteria to make a Career Break request, they are required to follow the set procedure given below in order for requests to be given due consideration.
- 4.1.2 Requests must be made in writing to the manager using the application form contained in Appendix 1.
- 4.1.3 The application must clearly state the date the proposed career break would become effective. However, a minimum of three months' notice must be given wherever possible.
- 4.1.4 The application must clearly provide the details of the reasons for the request, and whether this relates to a care of the dependent or for another reason.
- 4.1.5 The application form must clearly state what impact the proposed career break may have on the service and colleagues as well as possible solution to overcoming any potential negative outcomes.
- 4.1.6 The proposed career break will not commence until sanctioned by the line manager.

- 4.1.7 A formal meeting will be held between the manager and employee to discuss the application in depth and consider how it can be accommodated. This meeting must be held as soon as practicably possible; however it must be within 28 calendar days upon receipt of the completed application form.
- 4.1.8 The manager should ensure that the career break meets the needs of the service and it is operationally viable and reasonable.
- 4.1.9 The employee will be advised of the decision as soon as practicably possible; however, it must be with 14 calendar days from the date of the meeting. If a request cannot be accommodated, the reasons for this should be put in writing within this timescale (see section 6 for grounds for refusal).
- 4.1.10 Career Breaks must be for a minimum of 3 months and a maximum of 18 months.
- 4.1.11 People on employment breaks will not normally be allowed to take paid employment with another employer, except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority from University Hospitals Sussex NHS Trust would be necessary.

5.0 Approving a Request

- 5.1 The manager should complete the Career Break Application Acceptance Form (Appendix 2), and a Staff Change Request Form if applicable, and provide a copy to the employee before forwarding them to the Human Resources Recruitment Team and Payroll. It is important that all **applications** and **outcomes** for career breaks are sent to the Human Resources Team for recording and monitoring of equality.
- 5.2 In some circumstance it may not be possible to grant a request in its entirety. Any modifications to a request should be discussed and clearly documented on the career break application acceptance form

6.0 Grounds for Refusal

- 6.1 All requests should be consider carefully looking at the benefits of the requested changes in work.
- 6.2 The application for a career break should only be refused if there is a clear business reason which may fall into one of the following categories:
- The burden of additional cost is unacceptable to the organisation
 - An inability to reorganise work amongst existing staff
 - Inability to recruit additional staff
 - A detrimental impact on quality

- A detrimental impact on performance
- The change would have a detrimental effect on the ability to meet patient and/or customer demand
- Planned structural change/s to the organisation
- Breach of Health and Safety Regulations

6.3 Requests must not be rejected for any other reason and advice should be sought from the Divisional Human Resources Team before refusing a request.

7.0 Appeal Process

7.1 The employee can exercise their right to appeal within 14 calendar days of notification of the decision by writing to a Senior Manager of the department, with a copy to the Divisional Human Resources Team contact.

7.2 The Senior Manager will arrange an appeal meeting within 14 calendar days of the receipt of the written appeal.

7.3 The employee has the right to be accompanied during the appeal meeting by a recognised Trade Union/Staff Side representative or a work colleague. A member of the Divisional Human Resources Team will also be present at the meeting.

7.4 The employee should receive the outcome of the appeal meeting in writing within 14 calendar days of the appeal meeting.

7.5 The decision of the appeal panel is final and no further recourse within the Trust policies is available.

7.6 If the manager arranges a meeting to discuss the application including any appeal and the employee fails to attend both this and a rearranged meeting without a good reason, the manager can consider the request withdrawn and must inform the employee of this.

8.0 Agenda for Change Terms and Conditions

(Part 5, Section 36) outlines the following:

36.15 All breaks should be subject to an agreement between the employer and applicant before the break begins (see also separate provisions in Section 12). The agreement should cover:

- The effect of the break on various entitlements related to length of service;
- A guarantee that, if the applicant returns to work within one year, the same job will be available, as far as is reasonably practicable;
- If the break is longer than one year, the applicant may return to as similar a job as possible;

- Return to work at the equivalent salary level, reflecting increases awarded during the break;
- The notice period required before the return to work should be two months if the break is less than a year and six months if the break is more than a year;
- Arrangements for keeping in touch during the break;
Requirements on the applicant to keep up to date with their relevant professional registration needs, including attendance at specified training courses and conferences, and any assistance the employer may give in the support of this;
- Training arrangements for re-induction to work;
- Any other conditions required either by the employer or the applicant;
- NHS pension arrangements during the break. Further information for Scheme members in England and Wales can be obtained from the NHS Pensions website at www.nhsbsa.nhs.uk/Pensions. Members in Northern Ireland should refer to the HSC Pension Service website www.hscpensions.hscni.net. Members in Scotland should refer to the Scottish Public Pensions Agency circular 2009/13 which can be found on their website www.sppa.gov.uk/nhs/circulars2009.htm.

36.17 The period of the break should count toward continuous employment for statutory purposes.

36.18 Other provisions depending upon length of service, i.e. contractual redundancy payments, leave entitlements etc, should be suspended for the period of the break (see also separate provisions in AFC Section 12).

APPENDIX 1

CAREER BREAK APPLICATION FORM

You should use this form to request a Career Break. Please read the Work Life Balance Policy and Career Break Guidance before completing this form.

In order for your request to be given full consideration please provide as much information as you can about your Career Break. It is important that you complete all the questions otherwise your application may not be valid. When completing sections 3a-c, think about what effect this change will have on both the work that you do and your colleagues. Once you have completed the form you should immediately forward it to your manager (and you may wish to retain a copy for your own records). Your manager will then arrange a meeting with you to discuss your request within 28 days of receiving it.

Note to the Manager:

This is a formal application to request a Career Break made under the University Hospitals Sussex NHS Trust Career Break Policy which accommodates Agenda for Change guidance to provide all employees with access to a Career Break Scheme. You should confirm receipt of this application using the attached confirmation slip. You have 28 days after you receive this application in which to either agree to the request or arrange a meeting with your employee to discuss their request.

To be completed by the applicant:

1. Personal Details

Name:

Payroll Number:

Manager:

National Insurance No:

2. Please detail below the reason/s for your career break

3a. Describe your current working pattern (days/hours/times worked):

3b. Impact of the Career Break

I think my Career Break will affect my employer and colleagues as follows:

3c. Accommodating the career break

As a suggestion I think the effect on my employer and colleagues can be dealt with as follows:

Name:

Date:

NOW PASS THIS APPLICATION TO YOUR MANAGER.

Employer's Confirmation of Receipt (to be completed and returned to the employee)

Dear: _____

I confirm that I have received your request for a career break on

Date: _____

I shall be arranging a meeting to discuss your application within 28 days following this date.
In the meantime you might want to consider whether you would like a representative to accompany you at the meeting.

From: _____

APPENDIX 2

CAREER BREAK APPLICATION ACCEPTANCE FORM

The line manager, when accepting an employee's application for a career break, can complete this form. If the line manager cannot accommodate the request he/she may still wish to explore alternatives to find a suitable alternative using other leave arrangements which is agreeable to both parties.

Please note that the Career Break Application Rejection Form should be used if an employee's career break request cannot be accommodated, and no other suitable alternatives can be found.

Dear:

Following receipt of your application and our meeting on (insert date)

We have considered your request for a career break.

- ☐ We are pleased to confirm that we are able to accommodate your request.
- ☐ We are unable to accommodate your original career break request. However, we are able to offer the below alternative arrangements that we have discussed and you agreed would be suitable for you.

(Detail what has been agreed here, including effective dates etc)

Note to employee:

Please refer to Agenda for Change Terms and Conditions Handbook, Section 36: Employment Break Scheme, which states the following:

36.15 All breaks should be subject to an agreement between the employer and applicant before the break begins (see also separate provisions in Section 12). The agreement should cover:

- the effect of the break on various entitlements related to length of service;
- a guarantee that, if the applicant returns to work within one year, the same job will be available, as far as is reasonably practicable;
- if the break is longer than one year, the applicant may return to as similar a job as possible;
- return to work at the equivalent salary level, reflecting increases awarded during the break;
- the notice period required before the return to work should be two months if the break is less than a year and six months if the break is more than a year;
- arrangements for keeping in touch during the break;
- requirements on the applicant to keep up to date with their relevant professional registration needs, including attendance at specified training courses and conferences, and any assistance the employer may give in the support of this;
- training arrangements for re-induction to work;
- any other conditions required either by the employer or the applicant;
- NHS pension arrangements during the break. Further information for Scheme members in England and Wales can be obtained from the NHS Pensions website at www.nhsbsa.nhs.uk/Pensions. Members in Northern Ireland should refer to the HSC Pension Service website www.hscpensions.hscni.net. Members in Scotland should refer to the Scottish Public Pensions Agency circular 2009/13 which can be found on their website www.sppa.gov.uk/nhs/circulars2009.htm.

36.17 The period of the break should count toward continuous employment for statutory purposes.

36.18 Other provisions depending upon length of service, i.e. contractual redundancy payments, leave entitlements and incremental pay increases, will be suspended for the period of the break (see also separate provisions in Section 12).

If you have any questions on the information provided on this form please contact either your line manager or HR representative to discuss them as soon as possible.

Name: Date:
Employee to sign

Name: Date:
Line Manager to sign

APPENDIX 3

CAREER BREAK APPLICATION REJECTION FORM

The line manager, when declining an employee's request for a career break, should complete this form. Before completing this form the line manager must ensure that full consideration has been given to the request. It must state the ground(s) as to why the Trust is unable to accommodate the request and the reasons why the ground(s) applies in the circumstances. The list of permissible business grounds under which a request may be refused are detailed in section 6.0 of this guidance entitled 'Ground for Refusal'.

Dear:

Following receipt of your application and our meeting on: (insert date)

I am sorry but I am unable to accommodate your request for a career break on the following ground(s)

The ground(s) apply in the circumstances because:

(Please explain why any other considerations using alternative leave arrangements you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary).

Name: Date:

Line Manager to sign