

Employment Break Policy

**NHS West Essex Clinical Commissioning Group Policy Reference
Number: WECCG98**

DOCUMENT CONTROL SHEET

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Change History:

Version	Date	Reviewer(s)	Revision Description
V1.0	15.12.16	Hannah Preston HR Business Partner	Adapted for use as the Shared Service Policy. Amended in line with Agenda for Change.

Implementation Plan:

Development and Consultation	Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs
Dissemination	This policy will communicate to staff representatives. It will be communicated electronically to all staff and managers and will be published on the CCG's intranet.
Training	There are no specific training requirements in order to implement this policy. However, managers will be able to access advice from the HR Department on the implementation and interpretation of this policy.
Monitoring and Review	The CCG proactively monitors and reports on take up of employment breaks. The data identified from monitoring will be used to update the policy and ensure best practice as necessary.
Equality and Diversity	23/05/2017 - Equality Impact Assessment
Associated Documents	<ul style="list-style-type: none"> ▪ Grievance Policy ▪ Flexible working policy
References	<ul style="list-style-type: none"> ▪ Agenda for Change, Part 5, Section 36

Document Status:

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1.0 Introduction

1.1 NHS Bedfordshire, NHS East and North Hertfordshire, NHS Herts Valleys, NHS West Essex and NHS Luton Clinical Commissioning Groups, (respectively referred to as 'the CCG') recognise that there are times when employees may wish to take a period of time away from paid employment. The CCG acknowledges the benefit of Employment Breaks in supporting NHS organisations to retain talent and promote employee wellbeing.

2.0 Scope

2.1 This policy applies to all employees directly employed by the CCG who are employed on NHS Agenda for Change (AfC) terms and conditions.

2.2 To qualify for an employment break, employees must have a minimum of 12 months service and have the approval of an appropriate authorising manager.

3.0 Definitions

3.1 Agenda for Change (AfC) –The NHS terms and conditions of employment handbook.

3.2 Employment Break– An unpaid break from NHS employment for a minimum of 3 months up to 5 years.

3.3 Reckonable Service – The amount of NHS service that will count towards calculating annual leave and other entitlements. This is as defined by AfC.

4.0 Policy Statement

The Employment Break Policy has been designed to allow employees the opportunity to take an unpaid break from NHS employment for a minimum of 3 months up to 5 years. This policy meets the CCGs obligations under the provisions of AfC as an NHS employer to provide employees with access to an employment break scheme and is designed to complement the CCG's approach to flexible working and help our employees to achieve an appropriate work-life balance.

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5.0 Responsibilities

5.1 Line Managers are expected to:

- Familiarise themselves with the content of this document.
- Ensure that all applications made under this policy are determined in a fair and transparent way and be prepared to provide a verbal and/or written explanation for decisions.
- Ensure flexibility, openness and constructiveness in all discussions and agreements about employment breaks and balance the needs of the applicant with the needs of the service.
- Seek guidance from HR as appropriate and especially when they consider an employment break application cannot be approved.
- Ensure of records of applications and decisions are shared with the CCGs HR Advisor to enable diversity monitoring and that these are stored on the employees personal file whether or not the application is approved.

5.2 Employees are expected to:

- Ensure that any application for an employment break is made in line with the requirements of this policy.
- Ensure flexibility, openness and constructiveness in all discussions with their line manager about employment breaks and consider the needs of the service.
- Understand that there may be business reasons why an employment break cannot be approved.
- Make their own enquiries with NHS Pensions as to the implications of an employment break on their NHS Pension (If a scheme member) and understand that the CCG cannot give qualified guidance on this.
- Maintain contact with their manager, and inform the CCG of any changes to personal circumstances including changes of home address or contact telephone numbers during their employment break.

5.3 Human Resources Responsibilities:

- Maintain and update the Employment Break Policy to ensure it is compliant with the AfC terms and conditions of employment.
- Provide advice and support to line managers on the application of policy and guidance.
- Maintain details of people on employment break in the staff record systems.

6.0 Guiding Principles

The employment break scheme can be used to support employees who want a break from employment to focus on:

- Childcare
- Eldercare
- Care for another dependant
- Training
- Study leave
- Work abroad

The CCG will consider applications citing other reasons on merit and without setting a precedent for future applicants.

During an employment break employees will not normally be permitted to take up paid employment with another employer, except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority from the CCG will be necessary. Line managers should seek advice from their HR Business Partner in respect of such requests.

The minimum length of an employment break is 3 months and the maximum 5 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 5 years.

Managers and employees should maintain contact during 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.

6.1 Employee Considerations

Employees considering an employment break should be aware of the following information about the impact of an employment break on salary, salary deductions, and employee benefits:

- 6.1.1 Annual leave – all accrued annual leave must be taken before starting an employment break. Payment in lieu of annual leave or carryover of annual leave will not be permitted during an employment break. Annual leave does not accrue during an employment break. When returning from an Employment Break entitlement to annual leave will be as per current AfC terms and conditions; the length of the employment break will not count as reckonable service for leave purposes.
- 6.1.2 Trade Union Membership – employees who want to maintain their trade union membership during the employment break should contact their union to arrange direct payment of subscriptions fees because this cannot be processed through the CCGs payroll during the break
- 6.1.3 Salary – on return to work, employees will resume at the same pay point that had been reached when 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.
- 6.1.4 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 Employment Break.
- 6.1.5 Long Service Awards – the term of an Employment Break will not count towards qualifying service for this award where such schemes exist.
- 6.1.6 Lease Cars – Line managers must ensure arrangements are made for the return (or otherwise) of lease cars prior to an employment break in line with the terms and conditions of the lease agreement. Employees will be responsible for making enquiries with the lease car provider as to any financial implications resulting from an Employment Break.
- 6.1.7 CCG Property – All CCG property including keys, identity cards, IT equipment and mobile phones, or other equipment must be retained by the CCG for the duration of the employment break.

6.1.8 Pensions – The NHS Pension rules allow a member taking an employment break where the contract of employment is retained, to choose to remain pensionable for a period of up to 6 months. Where the employment break is to be pensionable the employer must treat the member as they would any other active member of the Scheme and ensure that employee and employer pension contributions are paid continuously throughout the 6-month period.

In addition, the Pension rules allow a member who has already paid contributions continuously during the first six months, to continue to pension the leave for a further period of up to 18 months. Should the member wish to continue contributing to the Scheme during the additional 18-month period, they will be responsible for both the employee and employer pension contributions.

Employers are responsible for ensuring that both employee and employer pension contributions are collected continuously throughout the leave and paid promptly to NHS Pensions. Arrears cannot be allowed to accumulate and payment made on returning to the Scheme.

The facility to pension employment breaks where the contract of employment is retained applies equally to those contributing to the 1995,2008 and 2015 sections of the Scheme. Further information for Scheme members in England and Wales can be obtained from the NHS Pensions website at www.nhsbsa.nhs.uk/Pensions. Further information for Scheme members can be obtained from the NHS Pensions website at: www.nhsbsa.nhs.uk/Pensions.

6.1.9 Professional Registration - An employee who is required to hold a professional registration for their post, or holds a qualification requiring regular reassessment must maintain their registration during their employment break or re-acquire it prior to their return to work. Failure to maintain professional registration or qualification may lead to action under the Verification of Registration Policy.

6.2 Application Process

Employees wishing to apply for an employment break should complete the application form at Appendix 1.

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, may be considered in exceptional circumstances depending on the needs of the service.

Employees will be notified in writing of the decision within 21 days of the date of submission of their application and will be entitled to a written reason for the refusal of any application.

Employees wishing to appeal a decision to refuse an employment break have the right of appeal using the Grievance Policy.

Employees must also complete the form at Appendix 2 to confirm their option in respect of their pension membership during the break.

6.3 Return to Work

Employees should 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. 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.

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 or substantial organisational change, 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 managers may consider redundancy in consultation with their HR Business Partner. If the break is longer than one year, the applicant may return to as similar a job as possible.

Failure to return from employment break on the agreed specified date without seeking a formal extension will be regarded as unauthorised absence and may lead to formal disciplinary proceedings.

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.

6.4 Employment Break Extension/Early Return

If an employee wishes to extend their employment break or return at an earlier date than originally agreed, they must apply to their line manager in writing for permission to do so at least 6 months before the proposed early return date or, if applying for an extension, 6 months before the original agreed return date.

Employees should set out the reasons for their request and update the information provided in their original application for an employment break.

Managers should respond to such requests within a reasonable timeframe, usually within 21 calendar days. If a request is denied, reasons should be provided. Applications for extension/early return will be considered on the merits of each application and the needs of the service will be taken into account in deciding whether to approve an application. Applications should be mutually beneficial for the individual and the service. The length of any break should balance the needs of the applicant with the needs of the service. Applications that do not meet such criteria may be refused.

If a request to return early is agreed and an employee returns within 12 months, it may not be possible to guarantee a return to the same job.

Appendix 1: Employment Break Application Form

Employee name:	Department:
Job Title, Band, & Pay Point:	Start date with the CCG:

This form should be submitted at least 3 months before the desired start date of the break career

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 have made my own enquiries as to the implications for my NHS Pension or Lease Car
- 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 authorising manager

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

Signature of manager:	Date:
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Manager's name and Job Title:

Managers Contact Number:

Appendix 2: Employment Break Pensions Form

Employee name:	Department:
Job Title, Band, & Spinal Point:	Start date with the CCG:
Start date of Employment Break:	Date of return to work:

I confirm :

- 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	
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	
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	
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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Appendix 3: Equality Impact Assessment Stage 1 Screening

Title of policy, service, proposal etc being assessed:
Employment Break Policy

<p>What are the intended outcomes of this work? Include outline of objectives and function aims</p> <p>NHS Bedfordshire, NHS East and North Hertfordshire, NHS Herts Valleys, NHS West Essex and NHS Luton Clinical Commissioning Groups, (respectively referred to as ‘the CCG’) recognise that there are times when employees may wish to take a period of time away from paid employment. The CCG acknowledges the benefit of Employment Breaks in supporting NHS organisations to retain talent and promote employee wellbeing.</p>
<p>How will these outcomes be achieved? What is it that will actually be done?</p> <p>By establishing an employment break policy and procedure</p>
<p>Who will be affected by this work? e.g. staff, patients, service users, partner organisations etc. If you believe that there is no likely impact on people explain how you’ve reached that decision and send the form to the equality and diversity manager for agreement and sign off</p> <p>Staff</p>

<p>Evidence</p> <p>What evidence have you considered? Against each of the protected characteristics categories below list the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic).</p> <p>This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations or other Equality Analyses. If there are gaps in evidence, state what you will do to mitigate them in the Evidence based decision making section on page 9 of this template.</p> <p>If you are submitting no evidence against a protected characteristic, please explain why.</p>
<p>Age Consider and detail age related evidence. This can include safeguarding, consent and welfare issues.</p> <p>No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton</p>

<p>CCGs. Also considered CIPD and Agenda for Change guidance</p>
<p>Disability Detail and consider disability related evidence. This can include attitudinal, physical and social barriers as well as mental health/ learning disabilities. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance</p>
<p>Gender reassignment (including transgender) Detail and consider evidence on transgender people. This can include issues such as privacy of data and harassment. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance</p>
<p>Marriage and civil partnership Detail and consider evidence on marriage and civil partnership. This can include working arrangements, part-time working, caring responsibilities. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance</p>
<p>Pregnancy and maternity Detail and consider evidence on pregnancy and maternity. This can include working arrangements, part-time working, caring responsibilities. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance</p>
<p>Race Detail and consider race related evidence. This can include information on difference ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance</p>
<p>Religion or belief Detail and consider evidence on people with different religions, beliefs or no belief. This can include consent and end of life issues. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance</p>
<p>Sex Detail and consider evidence on men and women. This could include access to services and employment. No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance</p>
<p>Sexual orientation Detail and consider evidence on heterosexual people as well as</p>

lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance

Carers Detail and consider evidence on part-time working, shift-patterns, general caring responsibilities.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance

Other identified groups Detail and consider evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include different socio-economic groups, geographical area inequality, income, resident status (migrants, asylum seekers).

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance

Engagement and involvement

How have you engaged stakeholders with an interest in protected characteristics in gathering evidence or testing the evidence available?

Policy Forum established. Members include representatives of CCGs and Trade Unions

How have you engaged stakeholders in testing the policy or programme proposals?

Policy Forum established. Members include representatives of CCGs and Trade Unions

For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:

Policy Forum established. Members include representatives of CCGs and Trade Unions

Summary of Analysis

Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impacts, if so state whether adverse or positive and for which groups and/or individuals. How you will mitigate any negative impacts? How you will include certain protected groups in services or expand their participation in public life?

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton

CCGs. Also considered CIPD and Agenda for Change guidance

Now consider and detail below how the proposals could support the elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups (the General Duty of the Public Sector Equality Duty).

Eliminate discrimination, harassment and victimisation

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance

Advance equality of opportunity

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance

Promote good relations between groups

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance

Next Steps

Please give an outline of what you are going to do, based on the gaps, challenges and opportunities you have identified in the summary of analysis section. This might include action(s) to eliminate discrimination issues, partnership working with stakeholders and data gaps that need to be addressed through further consultation or research. This is your action plan and should be SMART.

New HR monitoring system being developed

How will you share the findings of the Equality analysis? This can include sharing through corporate governance or sharing with, for example, other directorates, partner organisations or the public.

Publication alongside the policy

Health Inequalities Analysis

Evidence

1. What evidence have you considered to determine what health inequalities exist in relation to your work? List the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic). This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations or other Equality Analyses. If there are gaps in evidence, state what you will do to mitigate them in the Evidence based decision making section on the last page of this template.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs

Impact

2. What is the potential impact of your work on health inequalities? Can you demonstrate through evidenced based consideration how the health outcomes, experience and access to health care services differ across the population group and in different geographical locations that your work applies to?

Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance.

Eligibility period changed to reflect that some staff would not meet a one year in service requirement.

3. How can you make sure that your work has the best chance of reducing health inequalities?

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs. Also considered CIPD and Agenda for Change guidance

Monitor and Evaluation

4. How will you monitor and evaluate the effect of your work on health inequalities?

New HR monitoring system being developed

Quality Impact Initial Assessment.

Quality can be defined as embracing three key components:

- Patient Safety – there will be no avoidable harm to patients from the healthcare they receive. This means ensuring that the environment is clean and safe at all times and that harmful events never happen.
- Effectiveness of care – the most appropriate treatments, interventions, support and services will be provided at the right time to those patients who will benefit.
- Patient Experience – the patient’s experience will be at the centre of the organisation’s approach to quality.

What is the impact on:

Patient Safety?	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>
Patient Experience?	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>
Clinical Effectiveness?	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>

If any there is any negative impact please complete seek advice from the Nursing and Quality Team and a full Quality impact assessment will need to be completed.

Name of person(s) who carried out these analyses: Paul Curry

Date analyses were completed: 17 May 2017

HR and ODL Shared Service

Hertfordshire, West Essex,
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