



Employment Break Policy

TABLE OF CONTENTS

TABLE OF CONTENTS	1
1 OBJECTIVES	2
2 SCOPE.....	2
3 PRINCIPLES	2
4 DEFINITIONS.....	4
5 ROLES AND RESPONSIBILITIES	4
6 ELIGIBILITY	5
7 EMPLOYMENT BREAK REQUEST	5
8 APPROVAL PROCESS.....	6
9 KEEPING IN TOUCH.....	7
10 RETURNING TO WORK.....	7
11 CONTINUOUS SERVICE	8
12 PROFESSIONAL REGISTRATION.....	8
13 ANNUAL LEAVE	8
14 INCREMENTS	8
15 MATERNITY/ADOPTION	9
16 PENSIONS.....	9
17 TRADE UNION MEMBERSHIP.....	9
18 CHANGE DEPARTMENTAL/ ORGANISATIONAL	10
19 LONG SERVICE AWARD.....	10
20 LEASE CARS	10
21 APPLYING FOR OTHER POSITIONS	10
22 CONDUCT	10
23 APPEAL.....	10
24 FALSE DECLARATIONS	11
25 COMPETENCE	11
26 MONITORING	11
27 AUDIT AND REVIEW	11
28 REFERENCES	11



29	FINANCIAL CHECKPOINT.....	11
	APPENDIX A: EMPLOYMENT BREAK REQUEST FORM.....	13
	APPENDIX B: CONFIRMING OUTCOME OF EMPLOYMENT BREAK REQUEST	16

1 Objectives

- 1.1. South East Coast Ambulance Service NHS Foundation Trust (the 'Trust') is committed to helping colleagues balance the demands of both their work and personal needs in order to maintain an effective work performance and the continued provision of high quality services.
- 1.2. As such this policy and procedure recognises that from time-to-time colleagues may wish to leave their employment for a period of time. The purpose of this policy and procedure is to provide a framework for managers to take a fair and equitable approach in the consideration of employment break requests balanced with the needs of the business.

2 Scope

- 2.1. This policy will apply to all colleagues directly employed by the Trust.
- 2.2. To qualify for the employment break scheme, colleagues must have completed a minimum of 12 months' continuous service with the NHS.
- 2.3. An Employment Break will not be an appropriate response to all requests by colleagues for extended time off from work. As a result, this Policy should be read in conjunction with other Trust policies which provide opportunities for extended leave of absence, in particular those related to:
 - Annual Leave
 - Special Leave
 - Maternity, Paternity, Adoption, Shared Parental Leave
 - Flexible Working

3 Principles

- 3.1. The Trust seeks to eliminate unlawful discrimination against colleagues, potential employees, patients, or clients on the grounds of sex, marital status, disability, sexual



orientation, gender identity, age, race, ethnic or national origin, religion, pregnancy/maternity, political opinion, or trade union membership and to promote equality of opportunity and good relations between employees and clients.

- 3.2. Colleagues must at all times indicate an acceptance of these principles and fulfil their responsibilities with regard to equality legislation and the Trust's Equality Diversity and Inclusion Policy and protocols.
- 3.3. The employment break scheme provides colleagues with a longer period of unpaid leave than is provided by other leave arrangements without losing continuity of employment or the right to return to the same or similar job.
- 3.4. Employment breaks may be considered in the following circumstances:
 - For caring responsibilities
 - Pursuit of higher education or other types of study
 - For extended travel
 - Voluntary work overseas
- 3.5. Colleagues on employment breaks will not normally be allowed to take up paid employment with another employer, except where, for example, their professional registration requires evidence of clinical work undertaken and paid employment is required to fulfil this.
- 3.6. In every case there must be a clear commitment on the part of the individual to return to employment with the Trust. Requests for an Employment Break for reasons not outlined above will be considered on their merits.
- 3.7. To ensure managers apply a fair, objective, and equitable approach to each employment break request, appropriate documentation must be produced to enable transparency of the decision.
- 3.8. Every effort will be made to grant a request however, there may be occasions where despite satisfying the criteria, a colleague cannot be granted an employment break. In circumstances where an employment break cannot be agreed, the line manager should discuss with the colleague other arrangements, which are available to help meet the individuals' objectives.
- 3.9. Subject to eligibility and approval, employment breaks are available for a minimum of 3 months and a maximum of 5 years. More than one career 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. There must be at least 1 years' service between breaks.



4 Definitions

- 4.1. An employment break is an extended period of unpaid leave, which is available for approved purposes and subject to specific conditions. It offers an opportunity to take an extended period away from work, which exceeds that offered by normal leave arrangements or other options, such as parental leave.

5 Roles and Responsibilities

5.1. Trust

- The Trust has overall responsibility to have processes in place to ensure that colleagues are aware of this policy and adhere to its requirements.

5.2. Managers

5.2.1. Managers' responsibilities include the following:

- Ensuring this policy is disseminated effectively to their teams and that teams are aware of the procedures for requesting an employment break.
- Ensuring a fair, objective, and equitable approach to each employment break request.
- Accurately recording employment break requests, in conjunction with Clinical Scheduling, where applicable.
- Monitoring the total amount of time off being taken by each individual.
- Ensuring notification of any agreed employment break is sent to the HR Service Centre.
- Providing written reasons for refusing a request for an employment break and seeking guidance from Human Resources where necessary.
- Maintaining contact with the employee during their Employment Break at agreed times and providing agreed Keep In Touch information.
- Arranging appropriate induction or retraining to enable return to work following an Employment Break
- Identifying, investigating, and acting on, any abuse of this policy. This may include disciplinary action.

5.3. Colleagues



5.3.1. Colleagues' responsibilities include the following:

- Having awareness of this policy and how to request an employment break.
- Informing their Line Manager as soon as is practicable of their requirement to take an employment break. They should also ensure they complete the employment break request form.
- Maintaining agreed and professional contact with their line manager during the Employment Break and notifying them of any changes to personal circumstances which could affect a return to work.
- Where applicable, maintain professional registration or other fundamental requirements affecting their role.

5.4. **Human Resources**

5.4.1. Human Resources has a responsibility to ensure that the policy is followed, fairly and consistently. Their duties will involve:

- Ensuring the effective implementation and embedding of the policy through education and monitoring activity.
- Providing advice and support in the application of this policy in individual cases; and
- Ensuring that the policy is maintained and updated accordingly.

5.5. **Trade Unions**

5.5.1. Trade Union representatives have an important role to play generally in providing advice, support and, if required, representation to their members and working in partnership with managers and Human Resources in seeking to ensure that the Trust's Employment Break Policy is applied reasonably and fairly.

6 **Eligibility**

6.1. Colleagues are required to have completed one year's continuous service with the Trust.

6.2. All agreements are dependent on service needs.

7 **Employment Break Request**



- 7.1. Colleagues wishing to apply for an employment break should do so by completing the ['Employment Break Request Form \(Appendix A\)'](#) and providing 3 months' notice before the proposed start date (although in exceptional cases approval may be given with less notice).
- 7.2. The request form should provide as much information as possible and can be accompanied by supporting information, where this is appropriate e.g., details of a course of study.
- 7.3. The line manager should arrange to meet with the colleague within 14 days of receipt of the request to discuss it in more detail. This meeting should clarify any areas of confusion on the application and also explore any flexibility in start dates.
- 7.4. The line manager should also ensure that the colleague has a copy of the policy and understands the implications on their employment of the Employment Break.
- 7.5. Following this meeting the line manager will forward the application to the relevant Senior Manager. This must include any additional information gained at the meeting and also an assessment of the service implications of agreeing to the scheme. This should consider matters such as current vacancy and performance levels and ease of replacement etc.

8 Approval Process

- 8.1. The Senior Manager will consider the request in conjunction with an appropriate HR representative, if required.
- 8.2. Each application will be considered on its merits but, the following criteria will form part of the considerations:
 - The purpose of the Employment Break
 - The colleagues present post and the ease with which the individual can be covered on a temporary basis.
 - Service pressures and performance and how the break may affect these.
 - Flexibility or alternative options which would enable the career break to take place e.g., could it be agreed with a later start date or offered as a shorter break.
- 8.3. In all cases the Line Manager and Senior Manager will endeavour to balance the needs of the service with the needs of the individual requesting the leave. In deciding whether to support an applicant, the authorising manager should satisfy themselves that the individual has a clear commitment to continuing a career with the Trust. Requests for an



employment break may be refused only where there are good business reasons/service requirements.

- 8.4. The decision of the Senior Manager will be confirmed in writing to the colleague, along with any conditions associated with the career break. This should take place within 28 days of the original application. ([Template Letter, Appendix B](#)). A copy of the outcome letter should also be forwarded for the employee's HR personal file.
- 8.5. The line manager should return the form to HR Service Centre, Terms and Conditions Team.

9 Keeping in Touch

- 9.1. Arrangements for keeping in touch must be made prior to an employment break. The main purpose of 'Keeping in Touch' is for colleagues to maintain their skills and professional competencies and stay in touch with changes in procedures in their area of work. Individuals taking employment breaks must notify the Trust of any change of address during their employment break.

10 Returning to work

- 10.1. Colleagues will be required to give written notification of their return to work. The notice period required for a colleague wishing to return to work is normally a minimum of:
- 2 months if the agreed break is for up to 1 year.
 - 6 months if the agreed break is for more than 1 year.
- 10.2. Colleagues wishing to return earlier than originally anticipated must give 2 months' notice in writing. Colleagues wishing to extend the length of their career break must apply in writing, at least 2 months before the agreed end, so that appropriate consideration can be given to an extension. The manager should submit a Staff Change Form to advise of the colleague's earlier return to work, extension to the employment break or confirmed return date.
- 10.3. Where a colleague 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 (see departmental/ organisational change section below), 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.
- 10.4. Where a colleague has a break of 12 months or longer and where the post involves a DBS Check the colleague must complete and submit a new DBS Check prior to re-commencing in the workplace.



- 10.5. Where a colleague has a break of 12 months or longer, or where they have undertaken activities that may have exposed them to serious communicable diseases, they will be required to have a satisfactorily completed health screening/immunisation update prior to a return to work.
- 10.6. Colleagues 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.
- 10.7. The Trust will consider flexible working requests on return from an employment break, subject to the Trust's Flexible Working Policy.
- 10.8. If an individual does not wish to return to work following an approved employment break, they should submit their resignation in writing, giving their contractual notice period, to their line manager. The manager then completes a Notification of Termination/ Retirement Form.
- 10.9. Failure to return from an employment break on the specified date without seeking a formal extension of leave will be regarded as a breach of policy and will be dealt with under the Trust's Disciplinary Policy.

11 Continuous Service

- 11.1. The period of the break will count towards continuous employment for statutory purposes. Contractual redundancy payments will be suspended for the period of the break.

12 Professional Registration

- 12.1. Individual's taking an employment break are required to keep up to date with their relevant professional registration needs, if this is a prerequisite for the post they are returning to.

13 Annual Leave

- 13.1. During the period of the employment break the colleague will not accrue or be entitled to annual leave and public holidays. 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.

14 Increments



- 14.1. Normal incremental progression will be suspended for the duration of the employment break.

15 Maternity/Adoption

- 15.1. A colleague may apply for an employment break immediately following a period of maternity/ adoption leave; however, if, following the employment break, the colleague does not return to NHS employment for a period of at least 3 months, they will be liable to repay any Occupational maternity/adoption pay they received.

16 Pensions

- 16.1. Although it is not compulsory to pay pension contributions during an employment break, a colleague may choose to continue making contributions to the NHS Pension Scheme, under the following circumstances:

- For the first 6 months contributions are payable, by both the colleague 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 2 years). During the extended period, the colleague will be responsible for paying both their own and the employer's contributions.
- Contributions will be based on the colleague's normal pensionable pay. They must continue to be paid monthly, by standing order or Direct Debit; arrears will not be allowed to accumulate.

- 16.2. If the colleague's option is not to pay any pension contributions during the authorised leave, the pension will be 'frozen' on commencement of the employment break and they will be entitled to resume contributions on return. On return, the employee will be unable to pay the contributions missed but it may be possible to 'buy' additional years into the Scheme to make up for the 'time out'. The employee should consult directly with the NHS Pensions Agency before taking the break in order to fully explore and understand the effects on pension contributions in the longer term.

17 Trade Union Membership

- 17.1. Should an individual wish to continue their trade union membership during the break, arrangements would have to be made between the colleague and the trade union as to how subscriptions should be paid, as this cannot continue to be paid via payroll.



18 Change Departmental/ Organisational

- 18.1. Should departmental/organisational change processes affect the colleague substantive post during an employment break, the colleague must be consulted with in accordance with the Trust's Organisational Change provisions.

19 Long Service Award

- 19.1. The term of the employment break will not count towards qualifying service for the Long Service Award.

20 Lease Cars

- 20.1. Colleagues will be entitled to retain the lease car for private use until the expiry of the lease, or alternatively, colleagues may return the car. They will, however, be liable to pay for the early termination of the lease. If colleagues choose to retain a car, they will be responsible for the total cost including the contribution which would have been made by the Trust. Colleagues will also undertake to meet any excess costs at the end of the lease contract period.

21 Applying for other Positions

- 21.1. When on a career break, a colleague is free to apply for other positions within the organisation. However, colleagues should note that, should they be successful, continuation of the career 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.

22 Conduct

- 22.1. During an employment break period, should the staff member engage in any acts or omissions which, in the opinion of the Trust, impacts on their employment, the Trust may invoke the Disciplinary Policy and Procedure during the break.

23 Appeal

- 23.1. If the individual is unhappy with the decision of the Senior Manager, either because the application has been declined or because it has been granted with conditions, then the individual can appeal against the decision. An appeal should be lodged in writing to Head of HR Business Partnering and Employee Relations within 14 days of receipt of the outcome letter.



24 False Declarations

- 24.1. If a colleague is found to have abused their right to time off under the conditions listed in any of the types of leave listed in this policy, they may be referred to HR for the matter to be investigated and dealt with through the Trust's Disciplinary Procedure. If the breach is so serious as to amount to a dishonest act and cause a financial loss to the Trust the matter may be referred to the Local Counter Fraud Specialist for investigation, which may lead to a criminal sanction.

25 Competence

- 25.1. Advice on the application of this policy to both line managers and staff will be provided by the HR department.

26 Monitoring

- 26.1. Human Resources (HR) will monitor the application of the policy and procedure through feedback from staff and managers. HR will use the information to monitor the implementation of the policy and management of cases. Feedback, legislature and changes to terms and conditions will be used to inform and improve policies, as well as provide recommendations for improving working practices. HR will provide relevant reports, based on this data, as required.

27 Audit and Review

- 27.1. The policy and procedures contained within these documents will be in place for three years following approval of a review and amendments. An earlier review can take place should exceptional circumstances arise resulting from this policy and procedure; in whole or in part, being insufficient for the purpose and/or if there are legislative changes.

28 References

- Agenda for Change: NHS terms and condition of service handbook

29 Financial Checkpoint

- 29.1. To ensure that any financial implications of changes in policy or procedure are considered in advance of document approval, document authors are required to seek approval from the Finance Team before submitting their document for final approval.
- 29.2. This document has been confirmed by Finance to have no unbudgeted financial implications.





Appendix A: Employment Break Request Form

Employee details			
Name:		Job Title:	
Employee Number:		Line Manager	
Work Location:		Start Date of Employment:	
Type of Contract.	Permanent/ Temporary.	Total Period of Break:	
Reason(s) for request (to be completed by employee).			
I wish to take an employment break:			
To care for children or other dependants.			
To undertake a relevant course of study or other skills development activity.			
To undertake voluntary work or some other personal development activity.			
For other reasons (with agreement of Head of Service & Head of Human Resources and Performance).			
Please give further details of the reason(s) for your application.			
I would like to take an employment break:	From		To
<ul style="list-style-type: none"> You will have to have a minimum of 12 months continuous service with the Trust. You will normally need to give a minimum of three months' notice of an employment break. <ul style="list-style-type: none"> An employment break can be between three months and five years in length. 			
<p>I wish to have months of my Employment Break treated as pensionable under the NHS Pension Scheme. I understand that, for any period up to six months, I am responsible for payment of the staff member contributions. For periods of between six months and two years I am responsible for payment of both the staff member and employer contributions (periods in excess of two years are non-pensionable).</p> <p style="text-align: center;">OR</p>			



I confirm that I do not wish my Employment Break to be treated as pensionable under the NHS Pension Scheme.			
To be completed where this is not your first employment break.			
My previous employment break was	From		To
Signed:		Date:	
When you have completed this section, pass the form to your manager. You will normally be advised by your manager if your application has been supported within 14 days.			
Manager Declaration			
Name:		Job Title:	
Are you able to support the employment break as requested?			Yes. <input type="checkbox"/>
			No. <input type="checkbox"/>
Where you have answered no to the above question, please detail why this is the case below.			
Where you do not consider that you can support the requested employment break please discuss the reasons for this with the employee and explore any alternative arrangements that you may be able to support and note these below.			
Signed:		Date:	
Please ensure that you confirm back to the employee within 14 calendar days if you are in support of their application for an employment break or not.			



This form should be completed and forwarded to your senior manager within 14 calendar days of being received from the employee.

Senior Manager approval.

Name:		Job Title:	
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Are you able to approve the employment break as requested / amended?	Yes.		No.	
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Where you are not able to approve the employment break, please detail why this is the case below.

Where agreement is approved, please confirm the following:

Employment break from:	From:		To:	
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Return arrangements

Same Post (this should be the case in all but exceptional circumstances).

Alternative arrangements, please detail below why this is the case and the specific return arrangements that will apply in this case.

Signed:		Date:	
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To be completed for applications made under 'other reasons' only.

Signed: (HR Business Partner)		Date:	
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Please ensure that the employee is advised, normally within 28 calendar days of the request, if you are approving their career break application or not.



Appendix B: Confirming outcome of employment break request

Name & Address

Date

Dear

I am writing further to receipt of your request for an employment break on (date received),

Having considered your request,

(Not approved) - I can confirm that it was not possible to agree your request on this occasion due to {summary of reasons why request declined}.

Whilst I appreciate that this will be a disappointing decision for you, this does not prevent you from making a further application for an employment break in the future. However, I would advise that should you wish to do so I would recommend that you consider the feedback as to why the request was not able to be supported and approved and where possible take consideration of this in any future application.

(Approved) - I can confirm that your application for an employment break has been approved and will be for a period of (agreed length) commencing on (agreed start date), giving you an expected return to work date of (first day back). As agreed, you will return to your post of (or detail other agreed return arrangements).

You are reminded that all of the conditions with the Employment Break Policy will apply for the duration of your employment break.

You should also arrange for the return of all items of Trust property including any mobile telephone, laptop and ID badge prior to the start of your employment break to your line manager.

Please note that should you fail to return from your employment break on the specified date without seeking a formal extension of leave will be regarded as a breach of policy and will be dealt with under the Trust's Disciplinary Policy.

I wish you all the best over the period of your employment break and look forward to your return to SECAmb in the future.

Yours sincerely,

Line Manager

cc: Human Resources.