



Islington

Clinical Commissioning Group

EMPLOYMENT BREAK SCHEME

1	POLICY DRAFTED BY:	HR BUSINESS PARTNER
2	ACCOUNTABLE DIRECTOR:	DIRECTOR – QUALITY & INTEGRATED GOVERNANCE
3	APPLIES TO:	ISLINGTON CCG EMPLOYEES
4	COMMITTEE & DATE APPROVED:	Joint Partnership Group–30 January 2015 Executive Management Team – 11 March 2015
5	VERSION:	2
6	RELATED DOCUMENTS:	FLEXIBLE WORKING POLICY & PROCEDURE LEAVE OF ABSENCE POLICY
7	DATE OF IMPLEMENTATION:	23 March 2015
8	DATE OF NEXT REVIEW:	April 2016 or earlier should there be national NHS terms & condition/ legislative changes

DOCUMENT CONTROL

Date	Version	Action	Amendments
11 March 2015	2	Review by EMT	Section 7 – Clarification of Application Process

Employment Break Scheme

<u>Contents</u>	<u>Page Number</u>
Introduction	3
Policies Statement	3
Purpose & Scope of Policy	3
Who this Policy applies to	3
Eligibility	4
Provision of Leave under the Employment Break Scheme	4
Employment Break Application Process	4
Rights During Employment Break Scheme	5
Obligations of Employee During Employment Break Scheme	5
Return to Work	5
Appeal Procedure	5
Monitoring & Review	6
Associated Policies	6
Breach of Policy	6
Employment Break Application/Approval Form	7
Template Written Agreement Confirming the Terms of the Employment Break	8
Equality Analysis Initial Assessment	10

1. Introduction

- 1.1 Islington CCG provides employees with access to an employment break scheme.
- 1.2 The scheme is part of the CCG's commitment to enable employees to balance work with their other commitments and responsibilities and to attract and retain staff.
- 1.3 This scheme outlines the eligibility and procedural requirements for employees to request an employment break.

2. Policies statement

Islington CCG's policies set out the organisation's standards and intentions, and are written with the aim of being as clear and comprehensive as possible. However, we operate in a dynamic and evolving work environment and attention should be paid to the spirit of the policy as well as the letter. Policies by themselves cannot guarantee effective behaviour or the delivery of key objectives. While they are designed to support the CCG, and the people working within it, our success depends on continuous, high quality effort by everyone the policy covers. Therefore thought must be given to good practice when applying or interpreting any of the CCG's policies, and you should read any guidance or supporting documentation that relates to this policy to help you do this. In addition, this policy should work in accordance with national and local guidance on child and adult safeguarding as applicable.

3. Purpose and Scope of the Policy

- 3.1 The scheme is aimed at giving employees an opportunity to take unpaid leave for up to 5 years for reasons such as:
 - Childcare needs
 - Eldercare
 - Care for another dependent
 - Training
 - Study Leave
 - Work Abroad
 - Other reasons which the CCG will consider on their merits
- 3.2 Employees on an employment break will not normally be allowed to take up paid employment with another employer, except, where, for example, work overseas or charitable work could broaden experience. In such circumstances, written approval from the CCG is required.

4. Who this policy applies to

This scheme applies to Islington CCG employees with a minimum of 12 months service. The scheme does not apply to contractors, agency staff or office holders.

5. Eligibility

- 5.1 Employees with a minimum of 12 months service are able to apply for the employment break scheme.
- 5.2 Applications should be submitted in writing using the form contained in Appendix 1 and in accordance with the procedure outlined in section 5.

6 Provision of Leave Under the Employment Break Scheme

- 6.1 The provisions under the employment break scheme are in accordance with section 36 of the NHS Agenda for Change Handbook.
- 6.2 The maximum length of an employment break is 5 years.
- 6.3 Employees can take an employment break either as a single period or as more than one period.
- 6.4 The minimum length of a break is 3 months.
- 6.5 Employees will not be required to resign to take an employment break, although there will be a change to the contract of employment.

7 Employment Break Application Process

- 7.1 Employees who wish to make a request for an Employment Break must make a written request to their Director at least 3 months before they would like to commence the employment break using the employment break application form contained in appendix 1.
- 7.2 On receipt of the request, the Director should liaise with the Chief Officer and HR to consider the request and whether they are able to agree or decline the request.
- 7.3 If the request for an employment break is agreed, a written agreement [contained in appendix 2] should be drawn up and signed by the Director and the employee.
- 7.4 The written agreement must contain the following information:
 - The effect of the break on various entitlements [as per section 6]
 - A guarantee that, if the employee returns to work within 1 year, the same job will be available, as far as is reasonably practicable.
 - If the break is longer than 1 year, the employee may return to a similar job as far as is reasonably possible
 - Return to work at an equivalent salary, reflecting any cost of living awards during the break
 - The notice period required to return to work – 2 months if the break is less than a year and 6 months if the break is over a year
 - Arrangements for keeping in touch
 - Requirement for the employee to keep up to date with their relevant professional registration, training and attendance to conferences.

BEFORE USING THIS POLICY ALWAYS ENSURE YOU ARE USING THE MOST UP TO DATE VERSION

- Training arrangements for re-induction to work
- Any other conditions required by the CCG

8 Rights During Employment Break Scheme

- 8.1 The period of the employment break will count towards continuous employment for statutory purposes.
- 8.2 However, all contractual entitlements will be suspended for the period of the break.
- 8.3 The employee should take advice directly from the Pensions Agency in relation to the impact of the break on the pension.
- 8.4 Please refer to section 36 of the NHS Agenda for Change Handbook for further information.

9 Obligations of the Employee During the Employment Break

During an employment break, an employee must:

- Keep in touch with their line manager;
- Attend any specific meetings, trainings and conferences as required by the CCG
- Keep up to date with their professional registration needs, including attendance at specified training courses and conferences;
- Undertake training for re-induction to work

10 Return to Work

- 10.1 The employee is required to give the CCG 2 months notice to return to work [if the length of the employment break is less than a year].
- 10.2 The employee is required to give the CCG 6 months notice to return to work [if the length of the employment break is more than a year].
- 10.3 If the employee returns to work within 1 year, the same job will be available as far as is reasonably practicable. If the employment break is longer than 1 year, the employee may return to as similar job as possible.
- 10.4 The employee will be entitled to return to work at the equivalent salary level [as before the employment break], reflecting any cost of living increases awarded during the employment break.

11 Appeal Procedure

- 11.1 Employees will receive written reason[s] for the refusal of an application for an employment break.
If an employee wishes to appeal the refusal of a request for an employment break they should do so via the Grievance Procedure.

12 Monitoring & Review

- 12.1 All applications for an employment break will be kept for a minimum of 12 months.
- 12.2 The operation of the scheme will be monitored annually by the CCG in partnership with Trade Union Representatives. This will include the consideration of diversity data.

13. Breach of Policy

Unauthorised absence and/or the misuse of this policy & procedure will be managed under the Disciplinary Policy.

**Appendix 1 Employment Break Scheme Application/Approval Form
[to be completed by employee and Director]**

On completion the form should be sent to the Director to approve and then forwarded to the HR Business Partner. Please refer to the Employment Break Scheme for confirmation of leave provision and eligibility requirements.

Personal Details – To be completed by employee			
Name			
Job Title			
Employee Number			
Directorate			
Contact Number			
Manager/Director			
Section A: To be completed by employee			
Duration of Employment Break:			
Proposed Start Date of Employment Break:			
Proposed End Date of Employment Break:			
Reason for Employment Break:			
Declaration: I have read and understand the Employment Break Scheme.			
Signature [Employee]		Date	
Section B: To be completed by Director			
I have approved the above request for the employment break in accordance with the Employment Break Scheme	Yes	No	
If the request for employment break has been turned down, please provide the reason[s] below and confirm the reasons have been explained to the employee:			
Signature [Manager]		Date	
HR Approval for processing		Date	

Appendix 2: Template Employment Break Letter/Agreement

Dear

Following your application for an employment break and subsequent meeting in which I agreed to the request for the break, I am now writing to confirm the terms and conditions of the scheme.

The terms of the Employment Break are as following:

You will commence the employment break on _____ and will return to work on _____.

For the duration of the break, you will still be regarded as an employee of Islington CCG. From _____, you will receive no pay and no contractual entitlements from Islington CCG. If you are a member of the Pension Scheme, it is recommended that you consult a Pensions Officer for full discussion about the effects on your pension in joining the Employment Break Scheme. It is also advisable to contact your local NI Benefits Agency to discuss this.

The period of the employment break will count towards continuous employment for statutory purposes. However, all contractual entitlements will be suspended for the period of the employment break.

The CCG agrees to the following:

- If your employment break is for one year or less to return you to the same job where this is practicable.
- If your employment break is longer than one year, to re-engage you in a post which as far as practicable is on a similar contract and conditions of service, as existed prior to the career break unless you request to return to a lower graded post in which case the appropriate grade for the job will apply.
- To offer the opportunity to re-join the NHS Pension Scheme on your return to work.
- To offer you re-entry training as appropriate.
- To offer you opportunities to attend relevant in-house training sessions.
- To keep in touch regularly during the employment break.

You agree to the following:

- To confirm in advance (giving two months notice if employment break is for less than a year or giving 6 months notice if the employment break is more than one year) that you intend to return to work on.....
- You accept that if you return to work within 1 year, the same job will be available, as far as is reasonably practicable. If the employment break is longer than 1 year, there will be a return to as similar job as possible.
- To keep in touch with your manager at the CCG and update them with your contact details if these are to change.
- To keep up to date with developments within the CCG and your profession.
- To maintain professional registration and undertake reasonable re-entry training.

This letter outlines the main obligations of the Employment Break Scheme. If these are acceptable to you, please sign both copies, returning one copy to me for retention on your personal file. The second copy is for your information.

Yours sincerely

Name
Job Title

Declaration by Employee			
I accept the attached terms and conditions of Islington CCG's Employment Break Scheme as outlined above			
Signature [Employee]		Date	

Equality Analysis Initial Assessment

Title of the change proposal or policy:

Employment Break Scheme

Brief description of the proposal:

To ensure that the policy & procedure is fit for purpose, legally compliant, complies with NHS LA Standards and takes account of best practice.

Name(s) and role(s) of staff completing this assessment:

Darshna Pankhania, HR Business Partner

Date of assessment: 20 January 2015

Please answer the following questions in relation to the proposed change:

Will it affect employees, customers, and/or the public? Please state which.

Yes it will affect employees.

Is it a major change affecting how a service or policy is delivered or accessed?

No

Will it have an effect on how other organisations operate in terms of equality?

No

If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

Please return a copy of the completed form to the Equality & Diversity