



Employment Break Policy

Document Status	Approved
Version:	V 3.0

Document Change History		
Initiated by	Date	Author (s)
Tracey Leghorn, Associate Director Human Resources	15 th March 2011	Laura Norton, Human Resources Business Partner
Version	Date	Comments (i.e. viewed, or reviewed, amended approved by person or committee)
Draft V 0.1	29 th March 2011	Sent to Sarah Greatorex for comment
Draft V 0.2	8 th April 2011	Sent to Andy Reid for comment
Draft V0.3	11 th May 2011	Policy Group
Draft V0.4	31 st May 2011	Sent to Tracey Leghorn for comment
Draft V0.5	25 th July 2011	Policy Group
Draft V0.6	12 th September 2011	Laura Norton
Draft V0.7	12 th September 2011	Alison Kew
Draft V0.8	26 th September 2011	Policy Group
Draft V0.9	28 th September 2011	Barry Jarvis
Draft V0.10	4 th November 2011 + 2 nd December 2011	Sent to SPF for Approval
Draft V0.11	30 April 2012	Sent to EMT for Approval
V1.0		Approved
V2.0	2 August 2013	SPF approved next review November 2016
V3.0	11 March 2013	SPF Chairs approve minor changes to sections 8.1 and 9.1

The Trust will not tolerate unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups.

Document Reference	HR Directorate
Recommended at Date	Staff Partnership Forum November 2011
Approved at Date	Executive Management Team 30 April 2012
Review date of approved document	November 2016
Equality Impact Assessment	Completed

Linked procedural documents	Maternity Leave Policy Special Leave Policy Adoption Leave Policy Business Travel Policy Standards of Business Conduct, Conflicts of Interest and Secondary Employment Policy Flexible Working Arrangements Policy Paternity Policy Annual Leave Policy Professional Registrations Policy Recruitment and Selection Policy Driving Licence Policy Sickness Absence Management Policy Professional Registrations Policy
Dissemination requirements	All managers and staff, via staff bulletins and the intranet
Part of Trust's publication scheme	Yes / No? YES

Contents

1. Policy Statements
2. Scope
3. Access to Procedure
4. Roles and Responsibilities
5. Eligibility
6. Length of Break
7. Application Process
8. Pay
9. Pensions
- 10.0 Incremental Position
- 11.0 Sickness Management
- 12.0 Trust Property
- 13.0 Keeping in Touch
- 14.0 Returning to Work
- 15.0 Extending the Duration of the Break
- 16.0 Not Returning to Work
- 17.0 Restructures and Redundancies
- 18.0 Re-Induction to the Workplace
- 19.0 Returning to Work on Flexible Working Arrangements
- 20.0 Appeals

21.0 Policy Review

Appendix A Employee Application for an Employment Break

Appendix B Employee Application for an Employment Break Extension

Appendix C Equality Impact Assessment

1. Policy Statement

- 1.1 This document outlines the Employment Break Policy and procedure for The East of England Ambulance Service NHS Trust (the Trust). The Trust recognises that in balancing work-life choices, employees may wish to seek a longer period of time away from work than currently provided for by existing leave arrangements and is in line with the Agenda for Change National Terms and Conditions Handbook. This Policy aims to provide a framework for the making of decisions regarding employment break requests from employees.
- 1.2 This policy has been written in partnership by management and staff side.

2. Scope

- 2.1 This Policy applies to all Trust employees meeting the eligibility criteria.
- 2.2 The main reasons for requesting an employment break include childcare, eldercare, care of another dependant, training, study leave or work abroad. Other reasons will be considered upon their merits.

3. Access to Procedure

- 3.1 All employees are entitled access to this policy which is located in the HR Policies and Procedures Folders and/or on the Trust's Intranet. However, if you require this Policy in any other format please seek guidance from the Human Resources Department, your line management or trade union representative.
- 3.2 Employees and Managers may also wish to consult related Trust policies such as Maternity Leave, Special Leave, Adoption Leave, Business Travel, Standards of Business Conduct, Conflicts of Interest and Secondary Employment, Flexible Working Arrangements, Paternity, Annual Leave, Professional Registrations, Sickness Absence Management, Change Management, Redundancy and Redeployment and Driving Licence. Additionally they should refer to the national NHS Agenda for Change Conditions of Service Handbook.

4. Roles and Responsibilities

- 4.1 The Human Resources Department is responsible for keeping the provisions within this policy in line with employment legislation, best practice people management principles and NHS guidelines.
- 4.2 Managers, HR and trade union representatives are responsible for providing advice and guidance to employees on the application of this policy and procedure. Managers particularly have a responsibility to:
 - ensure that the processes contained within this policy are applied.

4.3 Management and Trade Union Representatives are responsible for bringing any mutually beneficial improvements to this policy to the attention of the Trust.

4.4 Employees are responsible for providing information and documentation and complying with the processes and agreements contained in this policy.

5. Eligibility

5.1 Applications for an employment break can normally only be made once in any 12 month period.

5.2 Applications can be made by employees who have 12 months continuous service with the Trust.

6. Length of Break

6.1 The minimum length of an employment break is three months. Breaks of less than three months should be made as a request for unpaid leave of absence.

6.2 The maximum length of break is five years as per the national Agenda for Change Terms and Conditions.

6.3 One or multiple breaks can be taken as long as they each exceed a three month period.

6.4 Employees do not resign in order to take an employment break.

7. Application Process

7.1 Applications for an employment break must be submitted in writing at least 3 months' prior to the anticipated date for the start of the employment break which is being requested. In exceptional circumstances requests may be considered less than 3 months before but this is likely to impact on the ability of the Trust to accommodate the request and thus employees are advised to provide as much notice as possible where they are able to do so.

7.2 Applications must be made on the form at Appendix A.

7.3 Each application should be submitted to the employee's line manager for consideration in conjunction with Human Resources. The manager will give due consideration and the request will be granted, denied or a compromise suggested.

7.4 The line manager will aim to respond to all requests as soon as reasonably possible following receipt of a fully completed request form (Appendix A). This would normally be within 28 days but will be dependent on the circumstances, e.g. more information may be required or the manager may need to assess the impact on service delivery in respect to covering the employee's role or responsibilities during the employment break.

7.5 All breaks will be subject to a written agreement between the employee and employer. This must be in place before the break commences.

8. Pay

8.1 The total period of the employment break will be unpaid. An HR2 along with the application form should be completed by the line manager and employee and submitted to payroll to stop the

employee's salary during the break. This must be completed prior to the start of the employment break.

- 8.2 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 work-related or job specific experience. In such circumstances written authority from the Trust would be necessary.
- 8.3 The period of the break should count towards continuous employment for statutory purposes. Other provisions including contractual terms and conditions which have a dependency upon contractual or reckonable length of service are also suspended for the period of the employment break. These would include, for example, contractual redundancy payments, annual leave entitlements etc.
- 8.4 Employees who become pregnant during their employment break should note that maternity pay is based on average earnings paid in the eight weeks prior to the last pay day before the notification week. Thus, if this falls during the employment break, there will be no maternity pay entitlement.

9. Pensions

- 9.1 Employees should be written to by payroll with the option to have the employment break as a pensionable or non-pensionable break. Pension contributions will stop during the period of the employment break unless the employee takes steps to continue contributions. Employees who wish to make up their contributions must contact Human Resources and payroll. Importantly, employees are responsible for liaising with pensions to ensure that they receive appropriate advice regarding this matter.
- 9.2 If an employee wishes to continue their pension contributions, these must be made on a monthly basis during the employment break. Employees are responsible for ensuring that they make these payments. Retrospective requests to make pension contributions would not normally be accommodated and would depend on the Pension Scheme rules at the time. If an employee wishes to continue their contributions they are therefore strongly advised to do so on the required monthly basis during their employment break.

10. Incremental Position

- 10.1 Employees who return to the Trust after an employment break of 12 months or less should be placed on the same spine point they were on when they left. In such cases, the incremental date which will apply from that time will be amended and set back by the number of days in the break of service, i.e. the period of the employment break taken. Note: where changes have been made to the national spine point numbering etc., the spine point will be that which the employee was previously employed regardless of the actual 'number' assigned to it. Where spine points are removed nationally, the employee would return to the next available spine point.
- 10.2 Employees who return to the Trust after an employment break of more than 12 months should return to the same spine point they were on when they left. The incremental date may be adjusted to allow an employee to return at the same time interval from the next incremental point as they were at the start of the break. Example: The employment break commenced on 1 January for 18 months. The next increment is due on 1 June (5 months away). New increment date would be 1 November (5 months from 1 June return date). This revised incremental date would then apply annually moving forward. Note: where changes have been made to the

national spine point numbering etc., the spine point will be that which the employee was previously employed on regardless of the actual 'number' assigned to it. Where spine points are removed nationally, the employee would return to the next available spine point.

- 10.3 Managers, in consultation with Human Resources, have the discretion to award additional incremental credit in cases where the work undertaken during the employment break is directly and demonstrably relevant to their post.

11. Sickness Management

- 11.1 Employees who take an employment break will have the 12 month rolling period paused until they return. The rolling period will restart on the first day back at work and episodes of sickness will be managed as per the Trusts Sickness Absence Management Policy.

12. Trust Property

- 12.1 The line manager should ensure that all equipment such as lease cars (including all clinical equipment, blue light etc.), mobile phones and IT equipment should be returned to the Trust for the duration of the employment break. Additionally all Trust related email addresses including NHS Net accounts should be disabled for the duration of the employment break. In respect to lease cars the employee must pay all the associated termination costs so that there is no charge to the Trust during the employment break period. All termination costs must be paid prior to commencement of the employment break. In certain circumstances the Trust may allow an employee to retain the lease car during the employment break period. In both instances payments will normally be enacted through payroll from the individual's salary (where there are sufficient funds) or via an alternative payment method (i.e. cheque or direct debit).

- 12.2 ID access badges and individually issued morphine must be returned to the line manager prior to the commencement of the employment break.

13. Keeping in Touch

- 13.1 Prior to commencement of the employment break employees are required to agree with their line manager arrangements for keeping in touch. This is a mandatory requirement.

- 13.2 If there is no communication from the employee as documented in the agreement then the arrangement can be deemed null and void on the basis that the employee has failed to comply with the rules of the employment break. In this event the Trust may choose to follow the process outlined in 16.2 of this Policy to terminate the employees' contract.

- 13.3 The employee is required to keep up to date with, and meet any requirements of their relevant professional registration body where these are an essential requirement of their job role. Advice should be sought from the employer if needed. It is the employee's responsibility to ensure they are appropriately registered on return to the Trust. All costs associated with that are the responsibility of the employee. On returning to work the employee should provide the relevant evidence to their line manager.

14. Returning to Work

- 14.1 If the applicant returns to work within one year, the same job will be available as far as is reasonably practicable.

- 14.2 If the applicant returns from a break longer than one year the applicant may return to as similar a job as possible on the same band. It is important to note that rota lines are not protected and, if you work on a rota, a post will be provided based on the needs of the service at the time. For A&E operational staff, this may mean returning to scheduling support, relief or a different location. This list is not exhaustive.
- 14.3 The notice period to request a return to the Trust earlier than specified should be as follows:
- two months if the break is less than a year; and
 - six months if the break is more than a year.
- 14.4 Organisational processes that change and structure changes that occur during the employment break will apply as if the employee had been at work. Reasonable steps will be taken to include employees on employment breaks in this process however changes will not be unnecessarily delayed because of employees being unavailable despite the Trusts best attempts to consult.
- 14.5 Depending on the length of the employment break an employee may require an appropriate occupational health assessment.

15. Extending the Duration of the Break

- 15.1 Applications to extend an employment break must be submitted in writing providing at least 3 months' notice. Applications should be made on the form at Appendix B Employee Application for an Employment Break Extension. In exceptional circumstances this notice period may be reduced. The extension will be considered as per point 7.4.
- 15.2 Any extensions will be considered and either granted, denied or a compromise suggested.
- 15.3 Employees will not normally be permitted to make more than two requests for an extension to their existing employment break.

16. Not Returning to Work

- 16.1 If the employee wishes to terminate their contract of employment during an employment break they must provide written notice according to their contract of employment.
- 16.2 An employee who fails to return to work on the specified date without seeking a formal extension to their employment break will be regarded as being in fundamental breach of contract entitling the Trust to terminate the employment without notice. Such a decision will only be made after a formal hearing has been convened under the terms of the Trusts Disciplinary Policy (Managing Conduct and Performance). This will allow the employee the opportunity to attend in person or provide a written submission.

17. Restructures and Redundancy

- 17.1 Employees on an employment break should be included in consultation arrangements as per the Trusts Change Management, Redundancy and Redeployment Policy.
- 17.2 Being on an employment break does not afford employees to special protection against redundancy neither will it be used as a reason for identifying the post as redundant.

17.3 Reasonable steps will be taken to include employees on employment breaks in the process however changes will not be unnecessarily delayed because of employees being unavailable despite the Trusts best attempts to consult

18. Re-Induction to the Workplace

18.1 Where an employee has had less than a 12 month break either the line manager should arrange an appropriate orientation or induction giving due regard to the length of the break. This may take place on return or, where viable, in the 3 months leading up to their return.

18.2 Where an employee has had more than a 12 month break the employee and line manager should put in place an appropriate plan to return to work.

18.3 Employees who drive under emergency conditions or convey patients may be required to be re-assessed for driving competency as part of the return to work process. Where the necessary standard of proficiency is not met, this will be managed as per normal Trust policy, e.g. Disciplinary Policy (Managing Conduct and Performance).

18.4 Employees operating in clinically focused roles may be required to undertake training, evaluation/re-assessment for clinical competence as deemed appropriate by the Clinical Directorate. Employees in HEOC may be required to take Call Handler and Dispatcher assessments. Remaining employees may require some form of re assessment relevant to their job role. Where the necessary standard of proficiency is not met, this will be managed as per normal Trust policy, e.g. Disciplinary Policy (Managing Conduct and Performance).

19. Returning on Flexible Working Arrangements

19.1 If at the end of the employment break the employee wishes to return to work on Flexible Working Arrangements, the Trust has a duty to consider the request. All such requests will be considered under the Trust's Flexible Working Arrangements Policy. Should an employee be thinking that they may wish to request a change to their hours on return they should allow sufficient time for the flexible working application form to be processed in good time prior to their return from the employment break. The process can take up to 14 weeks to complete. Where a request is not submitted in sufficient time for the process to be completed, the employee will be expected to return on their previous arrangements pending the completion of the request process.

19.2 If the request is refused, the Trust will provide written, objectively justifiable reasons for refusal and an opportunity to appeal against the decision. A refusal of a flexible working request does not affect the employee's right to return to their job under their original contract as per points 13.1 and 13.2 of this policy. The employee will be expected to return on their previous arrangements pending the completion of the appeal process.

20. Appeals

20.1 Employees will be given a written reason for the refusal of any employment break application.

20.2 The employee is entitled to appeal using the Trust's Grievance Policy if they consider their request has been unreasonably refused. Stage 2 of the Trust's Grievance Policy would be invoked in this instance.

21. Policy Review

21.1 This policy will be reviewed on an annual basis or amended in the light of new employment legislation, HMRC Guidelines and/or relevant case law.

Employee Application for an Employment Break (Appendix A)

Name of Employee:	
Job Title:	
Directorate:	
Start Date with the Trust: <i>(employees must have 12 months continuous service)</i>	

Details of the Employment Break Requested

From: To:

Reason for the Request:

.....

I Confirm my request for an Employment Break as detailed above.

Signed: Name: Date:

For completion by Line Manager

I agree to (*employees name*) taking an employment break

From: To:

Keeping in touch during break: Name of Manager/supervisor.....

Frequency: Method: Phone / email /

I do not agree to (*employees name*) taking an employment break

for the following reason/s.....

.....

Signed: Name: Date:

Job Title:

For completion by Human Resources

I have reviewed this application with the above named Manager and approve their decision to support / reject the request for an Employment Break.

Signed: Name: Date:

Job Title:

Employee Application for an Employment Break Extension (Appendix B)

Name of Employee:	
Job Title:	
Directorate:	
Start date of Employment Break:	
Current end date of Employment Break:	
<p>I would like to request that my employment break be extended until</p> <p>Reason for the Request:</p> <p>.....</p> <p>.....</p> <p>I Confirm my request for an Employment Break Extension as detailed above.</p> <p>Signed: Name: Date:</p>	
<p>For completion by Line Manager</p> <p>I agree to (<i>employees name</i>) taking an employment break extension until:</p> <p>Keeping in touch during break: Name of Manager/supervisor.....</p> <p>Frequency: Method: Phone / email /</p> <p>----- </p> <p>do not agree to (<i>employees name</i>) taking an employment break extension for the following reason/s.....</p> <p>.....</p> <p>.....</p> <p>Signed: Name: Date:</p> <p>Job Title:</p>	
<p>For completion by Human Resources</p> <p>I have reviewed this application with the above named Manager and approve their decision to support / reject the request for an Employment Break Extension.</p> <p>Signed: Name: Date:</p> <p>Job Title:</p>	

Appendix C

Document Reference:	Document Title: Employment Break Policy
Assessment Date: 13 September 2011	Document Type: HR Agreement
Responsible Director: Lesley Bradley	Lead Manager: Tracey Leghorn

Step 1: Identify main aims of policy

Describe the main aim, objectives and intended outcomes of the proposed project/policy

<p>Aim:</p> <p>To outline the application process for employees wishing to take an employment breaks in excess of 3 months from the Trust.</p>
<p>Objectives:</p> <ul style="list-style-type: none"> - To detail the financial and contractual effects of taking a break from work - To explain the eligibility criteria and process for applications - To explain to managers the process to be followed
<p>Intended Outcomes:</p> <p>To meet the requirements set out by Agenda for Change and provide a clear and comprehensive aid for staff and managers to follow.</p>

Step 2: Collect and Analyse Information

Has any previous work or research been done on equality issues in the area of the proposed project/policy? If so, what were they?

No			
You should ask relevant questions in relation to all the strands equality & diversity, but information gathered should be relevant to your needs that will inform your decisions around the topic you are reviewing. If you identify a need for information that is not available you should consider and plan with the relevant others how this information could be obtained. ¹			
Gender including transgender	Do you have enough information?	Yes	No
	What else do you need to know?		
Race	Do you have enough information?	Yes	No
	What else do you need to know?		
Disability	Do you have enough information?	Yes	No
	What else do you need to know?		
Sexual Orientation	Do you have enough information?	Yes	No

¹ Refer your need for information and proposal to the Equality & Diversity Steering Group using a copy of this page with your information before proceeding to ensure all similar requests can be coordinated

	What else do you need to know?		
Age	Do you have enough information?	Yes	No
	What else do you need to know?		
Religion & Belief	Do you have enough information?	Yes	No
	What else do you need to know?		

Step 3:	Identify the level of impact
----------------	-------------------------------------

To help you think about this, you should complete the High, Medium, Low table and give reasons/comments for where:

- (a) The policy/strategy/project could have a positive impact on any of the equality target groups or contributes to promoting equality, equal opportunities and improving relations within equality target groups.
- (b) The policy/project/procedure could have a negative impact on any of the equality target groups, i.e. disadvantage them in any way. **If the impact is high, a full Equality Impact Assessment should be completed.**

Equality target	a. Positive impact			b. Negative impact			c. If NONE how did you evidence this?
	Low	None	High	Low	None	High	
Gender (including transgender)	Yes			Yes			Female employees may make more applications for childcare/caring for elderly relatives
Race		None		Yes			Applicable to all
Disability		None		Yes			Applicable to all
Sexual orientation		None		Yes			Applicable to all
Age		None		Yes			May be accessed by older employees, potentially excludes younger employees because of length of service
Belief and Religion	Yes			Yes			

Step 3^a:	Decide if policy is equality relevant
----------------------------	--

Does the proposed project/policy have an explicit focus on inequalities, human rights and diversity? If so, how?

No

Is there a risk that the proposed project/policy may unintentionally mask or cause a negative impact on equality and diversity?

Yes

Is there a risk of adverse impact? If yes, please list the specific risks. If no, please explain the basis of your judgement.

Risk of detrimental treatment in managing people with different beliefs, religion and culture.

Step 3^b: Record findings and produce action plan

If there are any potential or actual risks, what action will be undertaken to mitigate the specified risks, or to minimise the adverse impact. Within what timescales will this be done, what are the implications on resources and who will be responsible?

Findings	Proposed action	Timescale	Implications on resources	Responsible lead
Employees of a certain age group may be more likely to use the option of an employment break.	No evidence to suggest immediate action	On –going monitoring	None	HR Advisors
Employees under a certain age would also be ineligible for an employment break.	Unable to change due to NHS eligibility criteria	On –going	None	HR Advisors
Staff may have their rights to maternity pay affected by taking an employment break	No evidence to suggest immediate action	On-going	None	HR Advisors

Please state how the policy, procedure or process will be monitored for inequalities that may arise after the implementation:

This policy will be reviewed after one year as it is a new policy

Summary:

On the basis of the information/evidence/consideration so far, do you believe that the proposed project/policy will have a positive or adverse impact on equality or diversity? (please circle one)

Positive Impact		Adverse Impact	
Yes			

Basis for your judgement:

There is a clear process for applying for an employment break. Decisions can be appealed against allowing opportunity for the information to be reviewed again.

Has a significant adverse impact been identified that requires a Full Equality Impact Assessment?

YES	Some Impact Identified	NO
------------	-------------------------------	-----------

Name of the project/policy lead completing this assessment:

Name: :Laura Norton	Job Title: Human Resources Business Partner
Signature:	Date: 13 th September 2011

Please email this completed draft document to the Equality & Diversity Lead for quality assurance purposes and record monitoring. *This form must accompany all policies and procedures when sent to Trust Board Committee or Group for approval*

Executive Summary Page for Equality Impact Assessment:

Document Reference:	Document Title: Policy
Assessment Date:	Document Type: HR Agreement
Responsible Director: Lesley Bradley	Lead Manager: Tracey Leghorn
Conclusion of Equality Impact Assessment:	
Recommendations for Action Plan:	
Risks Identified:	

Approved by a member of the executive team:

YES	NO
Name: Lesley Bradley	Position: Director of Business Transformation
Signature:	Date: