



Employment Break Policy

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DOCUMENT CHANGE HISTORY

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Tracey Leghorn, Associate Director Human Resources	15 th March 2011	Human Resources Business Partner
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Draft V 0.2	8 th April 2011	Sent to Andy Reid for comment
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V1.0		Approved
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V4.2	15 th September 2020	Policy sent to Union Regional meeting

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V4.3	16 November 2020	Policy sent to Heads of Ops
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V4.5	10 February 2021	Policy sent to CRG
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V5.3	10 May 2022	Sent to SPF
V5.4	8 July 2022	Sent to CRG
V6.0	18 July 2022	Approved at CRG

	Directorate: People Services
Recommended at Date	SPF 23 June 2022
Approved at Date	CRG 18 July 2022
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Equality Analysis	Completed in February 2022
Linked procedural documents	<ul style="list-style-type: none"> • Maternity Leave Policy • Special Leave Policy • Adoption Leave Policy • Business Travel Policy

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	<ul style="list-style-type: none"> • 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 • Disability Policy
Dissemination requirements	All managers and staff, via staff bulletins and the intranet
Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust (the Trust) has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity. The Trust will not tolerate unlawful 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 for and fostering good relations between; people from different groups and people with protected characteristics.

All Trust policies can be provided in alternative formats if required. Please contact the Human Resources Department if you require an alternative format.

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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. This list is not exhaustive and 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, Shared Parent Leave, 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 fairly.
- 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. Refer to the Special leave Policy in such circumstances.
- 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 the Locality Human Resources Manager. 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. Employee is required to complete an application for an Employment Break (Appendix A). 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 HR Payroll Forms for onward submission to payroll to stop the employee's salary during the break. This must be completed at the latest by the 5th of the month in which the employment break commences.
- 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. Please refer to Trust's Maternity policy for further information.

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 be dependent 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 recommence within their pay band at the position they would have reached if the break had not occurred regarding pay step and incremental date, so that there is no pay progression detriment as a result of having had the employment break.
- 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.

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 and should be detailed on Appendix A.
- 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

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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 (OH) assessment.
- 14.6 Employees with a disability, may require reasonable adjustments to be put in place, following an OH 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 If an employee fails to return to work on the specified date without seeking a formal extension to their employment break this will be considered an unauthorised absence and as such may be managed under the disciplinary policy. This may ultimately be regarded as a fundamental breach of contract and employment may be terminated 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.
- 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 AOC 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

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. Benefit schemes

20.1 Trust provided benefit schemes and salary sacrifice schemes:

- An employment break would have a significant impact on a holder of a salary sacrifice car requiring them to return this and pay a termination penalty.
- A member of the Trust's childcare voucher scheme may also lose eligibility to be in this scheme, due to an employment break.
- A cycle to work participant would be required to settle any outstanding amount from their final pay preceding an employment break.

21. Appeals

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

21.2 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.

22. Policy Review

22.1 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.

Appendix A - Employee Application for an Employment Break

Application for an Employment Break	
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	
<p>From:</p> <p>To:</p> <p>Reason for the Request:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>I Confirm my request for an Employment Break as detailed above.</p> <p>Signed: Name:</p> <p>Date:</p>	
For completion by Line Manager	

Application for an Employment Break

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:

Application for an Employment Break

N.B Ensure all Trust equipment is returned by employee (section 12)

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:

Appendix B - Employee Application for an Employment Break Extension

Application for an Employment Break Extension	
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>I Confirm my request for an Employment Break Extension as detailed above.</p> <p>Signed: Name:</p> <p>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>	

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Frequency:

Method: Phone / email /

----- I do not agree to(*employees name*) taking an employment break extension 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 Extension.

Signed: Name:

Date:

Job Title:

Appendix C



Equality Impact Assessment

EIA Cover Sheet	
Name of process/policy	EMPLOYMENT BREAK POLICY
Is the process new or existing? If existing, state policy reference number	V5.0
Person responsible for process/policy	HR
Directorate and department/section	PEOPLE SERVICES
Name of assessment lead or EIA assessment team members	EqIA Panel members
Has consultation taken place? Was consultation internal or external? (please state below):	This policy has been written in partnership by management and staff side, and in accordance with current employment legislation.

EIA Cover Sheet		
The assessment is being made on:	Guidelines	
	Written policy involving staff and patients	X
	Strategy	
	Changes in practice	
	Department changes	
	Project plan	
	Action plan	
	Other (please state) Training programme.	

Equality Analysis

What is the aim of the policy/procedure/practice/event?

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.

This Policy applies to all Trust employees meeting the eligibility criteria. The main reasons for requesting an employment break include childcare, eldercare, care of another dependant, training, study leave or work abroad. This list is not exhaustive and other reasons will be considered upon their merits.

Who does the policy/procedure/practice/event impact on?

Who does the policy/procedure/practice/event impact on?

Race	×	Religion/belief	×	Marriage/Civil Partnership	×
Sex	×	Disability	×	Sexual orientation	×
Age	×	Gender re-assignment	×	Pregnancy/maternity	×

Who is responsible for monitoring the policy/procedure/practice/event?

HR/WORKFORCE

What information is currently available on the impact of this policy/procedure/practice/event?

This policy links into the following and has been updated taking into consideration the current legislation:

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

Equality Analysis

Recruitment and Selection Policy
 Driving Licence Policy
 Sickness Absence Management Policy
 Professional Registrations Policy

Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? **No**

Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics?
 Yes, If yes please provide evidence/examples:

Who does the policy/procedure/practice/event impact on?

Race	✗	Religion/belief	✗	Marriage/Civil Partnership	✗
Sex	✗	Disability	✗	Sexual orientation	✗
Age	✗	Gender re-assignment	✗	Pregnancy/maternity	✗

Please provide evidence:

The Policy should have a positive impact on the above characteristics.

Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? No, if so please provide evidence/examples:

Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>
Sex	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Sexual orientation	<input type="checkbox"/>
Age	<input type="checkbox"/>	Gender re-assignment	<input type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>

Please provide evidence:

NO CONCERNS

Action Plan/Plans - SMART

Specific

Measurable

Equality Analysis

Achievable

Relevant

Time Limited

Evaluation Monitoring Plan/how will this be monitored?

Who

How

By

Reported to

Appendix D - Monitoring Table

What	Who	How	Frequency	Evidence	Reporting arrangements	Acting on recommendations	Change in practice and lessons to be shared
Changes relating to this policy in line with the Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2002 and the Works and Families Act 2006	The Director of People Services Directorate.	The policy will be subject to continual monitoring at People Committee	As and when an update is required.	Breach of the policy will be monitored at the People Committee	The policy will be subject to continual review and monitored at People Committee	The People Services Directorate will be guided by Employment law and monitoring by the Workforce Committee	The contents of this Policy have been entered into following consultation with the Trust's recognised trade union, Unison as agreed by the Trust's Staff Partnership Forum (SPF)