

Career break scheme

September 2019

Document history

Version	Date	Notes	Prepared by
1.0	2014	Career break scheme introduced in 2003. Refresh in 2014 to update legal context.	K Illet
2.0	September 2019	Eligibility criteria for scheme amended to provide additional flexibility.	H Ginty

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1. Introduction

- 1.1 Luton council is committed to equality of opportunity and seeks to offer working practices in which all individuals can seek, obtain and continue employment.
- 1.2 This scheme seeks to enable employees of the council to have access to a greater balance between their work and home life with a commitment to lifelong learning.

2. Purpose of the scheme

- 2.1 This scheme will inform all prospective and current employees of
 - Luton's career break scheme
 - the process of applying for a career break.
- 2.2 This scheme should be read in conjunction with other council policies in particular the compassionate and special leave procedure and the learning and development procedure.

3. Scope of scheme

- 3.1 This scheme is applicable to all permanent employees regardless of the number of hours worked who have two years continuous service with the council irrespective of the position they hold. This scheme does not apply to employees of schools on delegated budgets and all staff employed on teachers conditions of service, for whom there are alternative procedures.
- 3.2 Ensuring the implementation of and adherence to this scheme is the duty of all managers, supervisors and employees.

4. Rights and responsibilities of employees

- 4.1 Every employee who has two years continuous service with Luton has the right to apply for an unpaid career break.
- 4.2 There may be very exceptional circumstances in which applications will be considered from employees with less than two years' service, for example where an employee is taking a career break to reskill for a hard to fill role within the council under a programme such as Step up to Social Work or similar. Such programmes are actively supported by the council and the minimum length of service to apply for a career break in such instances is one year.
- 4.3 Employees have the right to consult with their trade union representative for advice and support.
- 4.4 It is the responsibility of the employee to abide by and adhere to any agreement made with the council under this scheme.
- 4.5 It is the responsibility of the career breaker to keep their knowledge and skills updated whilst on a career break. This could involve reading professional journals, or attending a required number of appropriate training courses (e.g. for registration purposes).

5. Duty of employer

- 5.1 The council has a duty to promote equal opportunities and also to review and monitor its policies, procedures and practices to ensure that relevant legal requirements are met and that non-discriminatory practices are being enforced.

5.2 The council also has a duty of care for its employees.

6. Purpose of career break

6.1 Career breaks are extended periods of unpaid leave (sometimes also known as sabbaticals) that offer greater flexibility for employees to juggle work and home responsibilities, to pursue personal interests, to undertake full time education or training, or simply to enable employees to have a break from working life.

6.2 Career breaks cannot be used by employees who are on long term sick. If the employee is fit to work following a period of long-term sickness, they then can apply for a career break. An employee must be fit for work to apply for a career break.

6.3 Career breaks can enable the council to retain experienced staff within the workforce particularly in areas where there is a shortage in skilled professionals.

7. Qualifying and notice periods

7.1 To qualify for a career break employees must have a minimum of two years continuous service with the council at the commencement of the career break (see also 4.2) and not be subject to any live formal disciplinary warnings or formal performance procedures.

7.2 When applying for a career break employees are required to provide at least 3 calendar months' notice of the date that they wish for their career break to start. However, the council realises that there may be extenuating circumstances where this may not be possible. Should such a situation arise service directors may consider and approve a reduced period of notice.

8. Duration and frequency of career breaks

8.1 There is no minimum period for a career break but discretion needs to be applied.

8.2 When a career break of less than 12 weeks is requested, consideration should be given to looking at alternative types of leave where appropriate.

8.3 In certain cases, it may be possible to use parental leave or extended leave as set out in the council's compassionate and special leave procedure, instead of a career break.

8.4 The maximum duration of a career break 18 months.

8.5 There is no limit to the number of career breaks that an employee can take however; they must have a minimum of two years continuous service with the council in between career breaks. Time spent on a career break does not count as qualifying service towards a future career break.

9. Payment

9.1 All career breaks are unpaid, as the career breaker is not working for the council during their career break.

9.2 If the council requires the career breaker to attend any form of training within the career break, then this will be paid.

9.3 Payment will be on the spinal column point that the career breaker was on, when they commenced their career break.

10. Applying for a career break

10.1 Applications for career breaks must be made on form CB1 at appendix 1.

10.2 Applications must be submitted within the time limits set out in section 7 of this scheme.

10.3 In the application for a career break, the employee should make a proposal for how their duties will be covered in their absence.

10.4 The form CB1 should be discussed with the employee's line manager, who will consider the reasonableness of the application in relation to this scheme. Consideration will be given to how the duties of the post will be covered in the absence of the post holder. Advice may be sought from human resources at this point.

10.5 The line manager is also required to complete their section of the CB1. The line manager has a maximum of twenty-eight calendar days to complete this.

10.6 When completed the CB1 is passed to the appropriate service director for authorisation. The service director needs to sign the CB1.

10.7 The CB1 is then copied and the original sent to HR & Payroll Transaction Team.

11. Approving request for career breaks

11.1 Approvals of requests for career breaks are strictly subject to the demands of the service.

11.2 Consideration should be given to how the duties of the post will be performed in the absence of the substantive post holder. Possible options for consideration may include

- recruitment of a temporary employee on a full or part time basis
- reallocating some of the duties
- secondment of an existing employee.

11.3 Any appeal against management's decision to refuse an application for a career break should be submitted in writing to the appropriate corporate director within 10 working days of being notified of management's decision in writing. The corporate director (or their representative) from the employing department and a representative from the HR department will hear the appeal as soon as practicable. Their decision is final. There is no further right of appeal.

12. Learning and development agreements

12.1 Career breaks for employees who are undertaking training that is bound by learning and development agreements cannot be approved.

12.2 Discretion should be applied when applications for career breaks are received from employees who are still in their two year post learning and development agreement period. Employees can settle the deficit prior to a career break.

12.3 Time off for a career break does not count towards the two years' service, which needs to be satisfied, following a learning and development agreement.

13. Car loans and career breaks

13.1 Employees can apply for a career break regardless of whether they have an outstanding car loan or not. However, the employee will need to consider how the loan will be paid while they are on a career break.

13.2 Car loans cannot be suspended or funded by the council for the period of the career break.

13.3 If an employee wishes to continue their car loan throughout the period of their career break then they must arrange with payroll to settle the balance on a monthly basis.

13.4 Employees can opt to settle the car loan in the usual way, prior to commencing a career break.

14. Car lease

14.1 Career breakers who have a lease/benefit car have the option of returning the car and paying any penalty and excess mileage charges, or, keeping the car and paying the proportion of the councils contribution (on a pro rata basis) for the duration of the career break. If the lease expires during the period of the career break then either the car must be returned or the lease renewed.

14.2 If the career breaker opts to keep the car then decides not to return to work after a career break, the career breaker may either

- purchase the car; or
- return the car and pay the leasing charges, excess mileage charge and full insurance cover.

14.3 For further information or guidance please contact HR & payroll transactions team on ext 6615.

15. Annual leave

15.1 As career breakers have a contract of employment throughout their career break, contractual annual leave continues to accrue.

15.2 The career breaker will only be paid for annual leave they accrue and take before or after a career break.

15.3 Annual leave continues to accrue during a career break but will be unpaid as the career breaker will not be in receipt of any pay.

15.4 Annual leave will begin to accrue again on returning to work following the career break and can be requested and taken, with pay in the usual way.

15.5 For longer career breaks, it is expected that any accrued but untaken holiday entitlement will be taken before the start of the break.

15.6 If a career break spans both leave years and it is not possible to take annual leave before the career break; prior written permission should be sought to carry a proportion of the leave over to the next annual leave year.

16. Keeping in touch scheme

- 16.1 The keeping in touch scheme is designed to maintain the relationship between the employee and the council.
- 16.2 There are numerous ways that an employee can be kept up to date whilst taking a career break. The methods used are likely to vary according to the circumstances.
- 16.3 Examples of keeping in touch include emailing or forwarding relevant council literature, publications, committee reports, departmental newsletters, internal publications or team meetings to the individual who is on a career break, organising occasional visits to the workplace for updates and invitations to official functions and /or social events. Keeping in touch is the responsibility of the line manager.
- 16.4 Career breakers should be invited to any key meetings that may affect them on their return. Should there be a requirement to make organisational changes that affect the career breakers job role, the career breaker will be invited to be involved in the organisational change process on the same basis as their colleagues and the organisational change procedure will be followed.
- 16.5 Career breakers who are not planning to be at their normal address while on a career break should make their own arrangements for any correspondence to be forwarded to them by email wherever possible.

17. Training plans

- 17.1 Career breakers are required to complete refresher training on their return to work. This is so they can refresh their skills.
- 17.2 The length of the training plan will vary depending on the complexity of the job content and the length of time the career breaker has been away from the job.
- 17.3 The line manager concerned is responsible for the content of the training plan. The career breaker should be consulted about the content of the training plan, prior to commencement.

18. Continuity and accrual of service

- 18.1 All service rights and accruals will be frozen as at the date of commencement of the career break.
- 18.2 Service for additional annual leave purposes, redundancy payments and long service awards will not accrue in the period of the career break.
- 18.3 Increments will not accrue in the career break period. The spinal column point that the career breaker commenced their career break on is the same point on which they will return.
- 18.4 The date on which employees receive increments may change as a result of the career break. The career breaker will not be any better or worse off because of the career break.
- 18.5 Service will not accrue for the purposes of contractual sick pay during the career break period.

- 18.6 The career breaker will still be employed by the council throughout their career break. Therefore, the career breaker will not have access to their P45 document.
- 18.7 The career breaker remains an employee of the council, and therefore they are still bound by their terms and conditions as stated in their Statement of Written Particulars, subsequent amendments and council policy.

19. Pension issues

- 19.1 Career breakers, who are members of the Local Government Pension Scheme, can opt to pay pension contributions or not for the break period through Additional Pension Contributions (APC's). If the career breaker does not opt to pay pension contributions, that period will not count towards their eventual local government pension benefits, however their pension service is continuous and not broken due to the career break period.
- 19.2 Any career breakers who have queries referring to their pension should refer them to the HR Payroll & Transactions Manager on Extension 6062.

20. Deductions

- 20.1 Employees must arrange for direct payments to be made to replace deductions that are made from their salary.
- 20.2 During unpaid leave, national insurance (NI) payments cease (contributions made by both the employee and the council as employer). To maintain NI contributory years, employees need to arrange payment of class 3 (voluntary contributions) direct with the national insurance contributions office which is part of HM Revenue and Customs.
- 20.3 If a career breaker has union subscriptions deducted from their salary, they will need to arrange to continue payments in order to maintain their union membership. Employees should contact their union branch office.

21. Working during a career break

- 21.1 Prior to undertaking any work during a career break, the employee needs to contact the HR and payroll transactions manager and the Inland Revenue.
- 21.2 Consideration and in some cases prior agreement needs to be given with reference to section 24 of this scheme, before any work is undertaken by a career breaker.

22. Sickness during a career break

- 22.1 Sickness during a career break can be claimed as Statutory Sick Pay (SSP), but there is only scope to do this in the first 8 weeks. This is because the calculation for SSP is based on the average earnings of the employee for the previous 8 weeks (prior to the start date of the sickness) being at least equal to the lower earnings limit.
- 22.2 Where career breakers do not fulfil the above criteria for SSP, they need to contact the Department of Work and Pensions (DWP) to clarify their eligibility for sickness related benefits.

23. Sickness on return to work

- 23.1 If the career breaker is sick when they are due to return to work then they need to follow the instructions below.
- 23.2 The career breaker needs to declare to payroll any benefits that they have claimed whilst they were on career break, as well as benefits that they are currently receiving.
- 23.3 Payroll needs this information to calculate the career breaker's entitlement to statutory sick pay.
- 23.4 From the date that the career breaker is due back at work the sickness absence procedure applies in the usual way.

24. Declaring information

- 24.1 Whilst on a career break employees are still bound by their terms and conditions of employment with the council.
- 24.2 The code of conduct for employees refers to conflicts of interest and paid and unpaid work. These areas may be applicable in certain circumstances and career breakers should make themselves aware of them before commencing their career break.
- 24.3 It is particularly relevant that, whilst on a career break, employees continue to adhere to the council's code of conduct for employees.
- 24.4 If a career breaker is seeking to undertake paid work during their break, they must first seek the written agreement of their manager to ensure that such employment would not be a conflict of interest as set out in the Code of Conduct.
- 24.5 Employees who hold politically restricted posts should be aware that the political restrictions (which are set out in detail in their contract of employment) remain in force for the duration of any career break.
- 24.6 It is the responsibility of the career breaker to notify the council of any circumstances affecting their continued employment in anyway; for example, the declaration of criminal offences, a medical condition, which could have an adverse effect on their ability to perform the duties of their post.

25. Maternity leave

- 25.1 Employees are entitled to run their maternity leave and a career break (in that order) consecutively providing they satisfy the points below
- they give the correct notice in line with section 7 of this scheme.
 - they forfeit the right to Occupational Maternity Pay (OMP) until after they have returned from the career break and worked for a period of three months (pro rata for part timers).
- 25.2 Further information and guidance on OMP can be found in the council's maternity scheme.
- 25.3 Career breaks cannot be split to cover the periods before and after maternity leave.

26. Return of career breakers

- 26.1 Career breakers are able to return to the same position they held at the commencement of the career break within the council. If it has been necessary to restructure the service during their absence, they will have been consulted on the changes (as in section 16 above) and will therefore return to the post to which they were appointed during their career break.
- 26.2 The career breaker will return to the same spinal column point as the one on which they commenced their career break, unless changed as part of a restructure.
- 26.3 Very occasionally, a career breaker may seek to return to work before the end date of the approved career break. In such circumstances they must discuss this in advance with their manager and provide at least one months notice.

27. Extension of the career break

- 27.1 The minimum length of a career break is normally 3 months and the maximum length is 18 months.
- 27.2 The council recognises that career breakers may occasionally wish to extend the length of their career break.
- 27.3 All applications for extensions must be submitted to the career breaker's line manager no later than 30 days before the career break is due to expire.
- 27.4 Extension of a career break is entirely at the discretion of the line manager and must be agreed by the appropriate service director. Career breakers must be aware that in many cases extension of a career break may not be possible, and that an extension beyond 18 months will not be permitted.

28. Non-returning career breakers

- 28.1 The council recognises that it may occasionally be the case that career breakers may not desire to return to work after their career break.
- 28.2 If a career breaker does not wish to return to work at all after their career break then they will be required to resign giving the appropriate notice period.
- 28.3 If an employee coming to the end of their career break has secured an alternative role within the council (for example via the Step up to Social Work Programme), they will be required to give appropriate notice to their employing department who will organise for iTrent forms to be completed transferring employment to a different department.

29. Scheme review

- 29.1 The contents of this scheme will be kept under review.

30. Further information and guidance

- 30.1 If further guidance and/or advice are necessary surrounding the contents of this scheme, advice and guidance can be obtained from Human Resources.

Appendix 1: Career break application form CB1

Date of application... __/__/__

Your details

Name: _____

Department: _____

Position: _____ Hrs worked: _____

Grade: _____ Start date with the Council: __/__/__

Length of requested break

From... __/__/__ To __/__/__

Reason for applying, including information that supports your application. Please detail how your duties will be covered during your absence. (Please use additional sheets as necessary.)

.....
.....
.....
.....

I declare that the information submitted is correct at this date.

Signed: _____

Dated: _____

Your Managers Details

Name: _____

Department: _____ Position: _____

Manager's contribution

I do/do not (please delete as appropriate) support this application for a career break. The reasons that I do/do not support this application are

.....
.....

Please use additional sheets if necessary.

/cont.....

Signed: _____ (manager)

Dated: _____

Service Director decision

Based on the information on this application (and additional sheets submitted),

I do/do not authorise this career break.

The reason(s) that I do/do not authorise this application are:

.....
.....
.....

Signed: _____

Dated: _____

By signing this agreement all parties agree to abide by and follow the contents of this scheme. Career breakers are reminded of the need to comply with the Code of Conduct throughout the duration of their career break. Signing this agreement confirms that the career breaker understands the conditions of the career break as laid out in the council's career break scheme document.

By signing this agreement career breakers recognise that they are required to return to their position within the Council, at the end of their career break.