



Career Break Policy

April 2014

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1. Policy statement

1.1. Orkney Islands Council recognises that over time, employees' circumstances may change for a variety of reasons, and that they may need or wish to take unpaid time out of their employment to be able to cater for these changes. In support of this, the Council has prepared and issued this Career Break Policy in consultation and agreement with recognised trade unions.

1.2. This Career Break Policy provides the opportunity, subject to operational requirements / needs, to request an extended break in their working lives for the following reasons:

- Caring for children or other dependant.
- Undertaking a relevant course of study or other skills development activity.
- Voluntary work or some other personal development activity.
- Other reasons with prior agreement of the Head of Service and Head of Human Resources and Performance.

1.3. Executive Directors and the Head of Human Resources and Performance are responsible for arranging appropriate training and briefing on the use of this Policy and the maintenance and updating of records to facilitate its smooth operation.

1.4. Executive Directors and Heads of Service are responsible for the management of their Service and therefore have the responsibility of managing the operational and financial impact arising from any Career Break.

2. Scope

2.1. The Career Break Policy will apply to the following employees of Orkney Islands Council including: Scottish Joint Council (SJC) / Single Status employees including Heads of Service, Orkney College Academic staff, Executive Directors and the Chief Executive. This policy does not apply to teachers and other employees covered by Scottish Negotiating Committee for Teachers (SNCT) conditions of service.

2.2. Teachers and other employees covered by Scottish Negotiating Committee for Teachers (SNCT) conditions of service have their own nationally negotiated arrangements as detailed in the SNCT Handbook of Conditions of Service, Part 2, Appendix 2.15 – Career Break.

2.3. The Career Break Policy will be reviewed by the Head of Human Resources and Performance or their nominated representative in conjunction with recognised trade unions in line with the schedule for the review of all Council Human Resources Policies and Procedures, normally every three years. Should changes to employment law, best practice recommendations or schemes of Conditions of Service dictate, a review within this timescale can be carried out by agreement with the Head of Human Resources and Performance.

3. Eligibility for and conditions for a career break

3.1. Any employee, with a minimum of two years' continuous service with Orkney Islands Council on either a permanent or long-term temporary basis, at the intended start date of the break, can submit an application for a career break.

3.2. A career break will be a single, continuous period of not less than three months and no more than two years.

3.3. For temporary contracted employees, the maximum length of any career break shall be either two years or to the end of the current temporary contract, whichever instance comes first.

3.4. Any request for a period of leave of less than three months may be able to be approved by the Head of Service on the basis of 'unpaid leave'. Such requests are normally considered to be an exception, as there is no automatic entitlement to a period of unpaid leave.

3.5. A career break may be initially approved for a period of less than two years. Where this is the case the Head of Service, in consultation with Human Resources will have the discretion to subsequently approve an extension, ensuring that the total duration does not exceed the two year limit. Any request for an extension should be made via submission of a further Application for a Career Break Form (Appendix 1).

3.6. Following a return to work from a career break, an employee is required to have completed a further two years of continuous service before an application for a subsequent career break is able to be considered.

3.7. The maximum number of career breaks that an employee may take during their employment with Orkney Islands Council is restricted to two.

3.8. It is a requirement of the Policy that employees taking a career break shall not enter into any new or additional employment of any type, or enter into new or additional commercial ventures during the period of the career break. The exception to this is where an employee has been granted a career break in order to undertake paid foster caring on behalf of the Council.

3.9. Where it is identified that an employee is engaging in activities inconsistent with the terms on which the career break was originally approved, the Head of Service in consultation with Human Resources will determine the appropriate action to be taken, this may include terminating the career break and consideration of possible action under the Council's Disciplinary Policy and Procedure.

4. Application for a career break

4.1. The employee wishing to apply for a career break should complete and submit the Application for a Career Break Form (Appendix 1) to their Manager in the first instance.

The application must include specific details in respect of the following:

- The reason(s) for the request.
- The requested length of career break.
- The proposed start date.
- Whether the career break is to follow another period of extended leave i.e. maternity / adoption / paternity leave or sickness absence.
- The anticipated benefits to the individual / Service / Council of the career break.

4.2. Applications for career breaks should be submitted no later than three months prior to the anticipated start date. Where applications are received with less than three months' notice they will either not be considered, or the start date of the intended break will be commensurately delayed to allow three months' notice. This is to ensure that the Service has the appropriate time to make the necessary cover arrangements to ensure the career break does not cause unnecessary disruption.

4.3. On receipt of an application, the manager should, as soon as is reasonably possible, and normally within 14 calendar days, consider the operational impacts of the request and meet with the employee to confirm whether or not they are supportive of the request.

4.4. The manager will then forward the application, with their comments to the relevant Head of Service for consideration and approval. The Head of Service should consider the application and confirm in writing to the employee within 14 calendar days, whether or not the application for the career break has been approved. The completed application and correspondence should be copied to Human Resources.

4.5. All applications for career breaks will be considered first and foremost on the basis of the following:

- The purpose of, or reasons for, the career break.
- The period of absence requested.
- The employee's length of service.
- The employees' remaining length of employment contract.
- Whether the employee has taken a career break on a previous occasion.
- The operational impact on and the needs of the Service.
- The principle that no undue additional expenditure will have to be incurred.
- The likely impact on working arrangements and other employees.
- The need to retain key skills, knowledge and experience to achieve the Council's longer term strategic objectives and ensure that staff expertise is aligned to priority activities.
- The potential to be able to cover the post on a temporary basis.
- The potential for budget efficiencies to be made for the duration of the career break.
- The potential for the employee to return to a similar / the same post.

In considering the application the Head of Service will also be entitled to consider an employee's attendance record and conduct at work (including any on-going disciplinary, absence management or capability processes).

4.6. Where a career break is not able to be agreed the employee will be advised of the reasons for this in writing.

4.7. Where a career break is agreed, the employing Service must complete and submit a Notification of Change Form to Human Resources and Payroll confirming the agreed arrangements.

4.8. The Head of Service decision in respect of whether a career break is able to be agreed is final; there is no formal route of appeal in respect of an application for a

career break. Should an employee feel that the Career Break Policy has not been followed or they have been discriminated against they would have recourse to the Council's Grievance Policy and Procedure.

4.9. Prior to written confirmation of approval of a request for a Career Break from their Head of Service, employees should not make any travel or other arrangements or incur any costs in respect of the planned Career Break. The Council cannot guarantee that an application can be approved, and the Council is not liable for any costs incurred by an employee where an application for a Career Break is unable to be approved.

5. Maintaining contact during a career break

5.1. While it is important to ensure that during a career break appropriate contact is maintained between the Service and the employee, there is no prescribed method or approach that this contact should take.

5.2. It is the responsibility of both the employee and the employing service to agree what contact is required and how this is to be carried out, and agreement should be reached as part of the agreement to go on a career break as to what the contact will be.

5.3. Some examples of the types of possible contact include:

- Emailing / posting relevant information / updates to the employee.
- The employee attending occasional team meetings.
- Having occasional update meetings with the manager
- Keeping in touch days.

5.4. To assist employees to keep in touch with the workplace during their career break, they can, in agreement with their line manager, arrange to work up to 10 days, per career break (pro-rata if the period of career break is less than two years). These days can be used for specific events, training, or anything which has been previously agreed by both parties.

5.5. Keeping in touch days can only be worked during the career break period and cannot be worked and claimed after the employee has returned to work.

5.6. Any work carried out on a particular day, be it a few minutes or a full day, constitutes a whole keeping in touch day. Hours worked on these days will be paid following submission of an authorised timesheet.

5.7. Please note that the employee is not required to work these 10 days, nor is the employer obliged to offer them.

6. Returning from a career break

6.1. An employee must return to work on the date agreed prior to the start of the career break. Failure to do so may result in action under the Council's Disciplinary Policy and Procedure up to and including the termination of employment.

6.2. The employee must contact their manager, at least eight weeks before the agreed return to work date, in order to confirm their return to work and establish the operational arrangements for their return.

6.3. The return to work following a career break will **normally be to the post that the employee held and at the same pay level** to that received at the start of the career break, unless:

- It has been determined by the Head of Service, at the time the career break was agreed, that it would not be possible for the employee to return to their own job and a similar job is to be provided within the Service instead.
- An organisational review, redundancy situation or other exceptional circumstances (e.g. a general reorganisation) arises in the course of the career break, in which case the employee on a career break will be treated the same as all other employees affected by the change and in accordance with the Council Policies and Procedures.

6.4. In exceptional circumstances, a career break can be brought to an end early, normally by either the employee or the Council by the giving of eight weeks' written notice.

7. Conditions of Service in relation to a career break

7.1. On an employee's return from a career break their separate periods of employment (i.e. before the career break and after the career break) will be treated as continuous for statutory and contractual purposes. The period of the career break is not a period of employment and will not count towards total years of continuous service.

7.2. All occupational remuneration including employment benefits will be suspended during the period of the career break and will recommence when the employee returns to work. For the avoidance of doubt, the following circumstances will apply:

- **Incremental pay progression** - on return to work, employees would resume, for pay purposes, at the same point or incremental scale which had been reached at the time the career break began.
- **Qualification for and entitlement to sickness allowance** - employees on a career break who fall ill do not have any entitlement to Occupational Sick Pay. On return to work, the number of weeks entitlement to occupational sick pay would be the same as when the break started.
- **Annual leave, flexi-time and TOIL** - all accrued annual leave, flexi-time and TOIL must be taken before commencement of the career break. No payment in lieu of outstanding leave, flexi-time or TOIL will be made nor any "carry over" of leave, flexi-time or TOIL allowed.

There is no entitlement to annual leave during the career break (either contractual or statutory under the Working Time Regulations). On return to work, entitlement to annual leave would be the same as when the break started, and the period of the career break will not count for continuous service for leave purposes.

- **Pension (LGPS Members)** – during the first 30 days of the career break pension contributions must be made, but after this no pension contributions can be made, and the career break is not classed as ‘pensionable service’. However, on return to work employees would have the option to buy back the lost pensionable service if they wish. If the employee does not return to work after the career break, then they may also be able to buy back the lost pensionable service, and would be responsible for their own tax affairs in this circumstance. Employees considering a career break are advised to seek their own advice in respect of the potential impact of this in respect of their pension. They may also contact the Council’s Pensions Manager to discuss any matters relating to their pension arrangements.
- **Long Service Award** – the term of the career break will not count towards qualifying service for the Council’s Long Service Award.

7.3. Employees on a career break have no entitlement to Occupational payments in respect of Maternity / Adoption or Surrogacy etc.

7.4. Employees considering a career break must also be aware of the implications regarding National Insurance benefits. It is the responsibility for employees to consult with the Department of Work and Pensions (DWP) in this respect. The DWP will also be able to give advice on how a career break could impact on entitlement to state benefits.

7.5. Prior to an employee commencing a career break, where applicable, the manager must ensure that appropriate arrangements have been made in respect of returning all items of Council property, including mobile telephones, laptops, keys, ID badge etc.

7.6. Prior to an employee commencing a career break, where applicable, the manager must ensure that appropriate arrangements have been made with the Council and / or UHI (for Orkney College employees only) that remote access to work email and the Council and / or UHI Network are suspended for the duration of the career break.

7.7. When on a career break, an employee is free to apply for other positions advertised either on the Council portal or in the local press; however employees will not be specifically advised of current Council vacancies.

7.8. Employees should note that, should they be successful in any application for employment, it is not guaranteed that the career break can continue as it will depend upon the needs and exigencies of the service in the area in which the new post sits. It is advised that a discussion is held with the recruiting manager prior to an application being submitted.



Appendices

Appendix 1: Application for a Career Break

Employee details (to be completed by employee).		
Name:		
Job Title:		
Work Location:	Line Manager:	
Start Date of Employment:	Type of Contract.	Permanent / Temporary.
Reason(s) for application (to be completed by employee).		
I wish to take a career break:		
To care for children or other dependants.		
To undertake a relevant course of study or other skills development activity.		
To undertake voluntary work or some other personal development activity.		
For other reasons (with agreement of Head of Service & Head of Human Resources and Performance).		
Please give further details of the reason(s) for your application.		
I would like to take a career break from:		
	(date) to.	(date).
<ul style="list-style-type: none"> You will have to have a minimum of two years continuous service with the Council. You will normally need to give a minimum of three months' notice of a career break. A career break can be between three months and two years in length. You will need to have had a further two years' continuous service before applying for a second career break. You may only have a maximum of two career breaks in your employment with the Council. 		
To be completed where this is not your first career break.		
My previous career break was from:	(date) to.	(date).
Signed (employee):	Date:	
When you have completed this section, pass the form to your manager. You will normally be advised by your manager if your application has been supported within 14 days.		

Manager Declaration (to be completed by manager).

Name:

Job Title:

Please ensure that you consider the request details provided by the employee on page 1 of the application, and record any comments and whether or not you are able to support the requested career break below.

Are you able to support the career break as requested?	Yes.	<input type="checkbox"/>	No.	<input type="checkbox"/>
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Where you have answered no to the above question, please detail why this is the case below.

Where you do not consider that you can support the requested career break please discuss the reasons for this with the employee and explore any alternative arrangements that you may be able to support and note these below.

Signed (Manager):	Date:
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Please ensure that you confirm back to the employee within 14 calendar days if you are in support of their application for a career break or not.

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

Head of service approval (to be completed by Head of Service).			
Name:			
Job Title:			
Please ensure that you consider the request details provided by the employee and the comments / proposals from the manager, and confirm whether or not you are able to approve the career break below.			
Are you able to approve the career break as requested / amended?	Yes.		No.
Where you are not able to approve the career break, please detail why this is the case below.			
Where agreement is approved, please confirm the following:			
Career break from:	(date) to.		(date).
Return arrangements.			
Same Post (this should be the case in all but exceptional circumstances).			
Alternative arrangements, please detail below why this is the case and the specific return arrangements that will apply in this case.			
Signed (Head of Service):		Date:	
To be completed for applications made under 'other reasons' only.			
Signed (Head of HR & Performance):		Date:	
Please ensure that the employee is advised, normally within 14 calendar days if you are approving their career break application or not, remember to also advise the relevant manager(s).			
Once completed this form should be forwarded to HR Support to enable a contractual change letter confirming the career break to be issued to the employee. A payroll change form will also require to be submitted in respect of any career break.			

Appendix 2: Template letter - confirming outcome of career break request

{Employee name}.
{Address}.
{Address}.
{Postcode}.

Application for a career break.

Dear {employee name}.

I am writing further to receipt of your application for a career break on {date received}, which as you will be aware from discussions with {line manager} {was / was not able to be supported} by them due to {short summary of reasons}.

Having considered both your request and the information submitted by {line manager}, I can confirm that I have been {able / unable} to approve your request for a career break.

Either (Not approved).

I would confirm that it was not possible to agree your request on this occasion due to {summary of reasons why request declined}.

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

or (Approved).

I can confirm that your application for a career break has been approved and will be for a period of {agreed length} commencing on {agreed start date}, giving you an expected return to work date of {first day back}. The return to work date can be brought forward in exceptional circumstances, through the provision of eight weeks' notice in writing by either yourself or the Council.

As agreed you will return to your post of {post title} at {work location} on a {FTE} contract (or detail other agreed return arrangements). You are reminded that you should make contact with your line manager no later than eight weeks prior to your return to work date, in order to establish the practical arrangements.

I would ask that, should you not already have done so you make arrangements with your manager in respect of how contact will be maintained between yourself and the Council during your career break. You may also request to work up to 10 keeping in touch days (pro-rata) during your career break, should you wish to do so please make the necessary arrangements with your line manager.

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

Any outstanding annual leave, flexi-time and / or TOIL balances must be taken prior to the start of the career break as these will not be carried forward nor payment in lieu made.

Your period of career break does not count towards your continuous service with the Council and therefore this period will not count towards incremental progression up to your grade, or for service related benefits such as occupational sick pay, annual leave entitlement or towards the Council Long Service Award.

During your career break you have no entitlement to occupational sick pay, statutory or contractual annual leave / public holidays or occupational payments in respect of maternity / adoption or surrogacy etc.

Additionally during your career break you must not enter into any new or additional employment of any type, or enter into new or additional commercial ventures, other than where your career break has been granted in order for you to undertake paid foster caring on behalf of the Council.

Where you are a member of the Local Government Pension Scheme you are required to make pension contributions for the first 30 days of your career break, beyond this the remainder of the career break is not classed as pensionable service and no pension contributions can be made. However on your return to work you may, if you wish make arrangements to buy back the lost pensionable service. Should you wish to consider this please contact Bryan Hay, Pensions Manager on 01835 873535 extension 2108.

Should you not return from your career break on the agreed date, may result in action under the Council's Disciplinary Policy and Procedure up to and including the termination of employment.

Following a return to work, you would be required to have completed a further two years continuous service prior to being able to make a further application for a career break and the maximum number of career breaks that you may take during your employment with the Council is restricted to two.

Yours sincerely.

{Head of Service}.

cc: Line Manager.
Human Resources.
Employee Personnel File.