

# Career Break Scheme



December 2020

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## 1.0) Title

Career Break Scheme

## 2.0) Statement

Newry, Mourne and Down District Council (the Council) recognises there may be times when an employee may wish to take extended periods of time away from work in order to deal with situations or pursue interests in their personal lives.

The Council accepts that at such times being able to request a career break could be of benefit to the employee to enhance their career, develop useful skills, strengthen confidence and reduce anxiety and stress.

The career break scheme operates at the discretion of the Council and is not a contractual entitlement.

# 3.0) Aim

The aim of this scheme is to ensure a consistent approach for Council employees wishing to take a career break. This document sets out the pre-requisites required to apply for a career break, the application process and how taking a career break affects an employee's terms and conditions of employment.

## **4.0) Scope**

The career break scheme applies to all Council Employees with at least two year's continuous service.<sup>1</sup> The scheme does not apply to Elected Members, casual or agency workers, consultants, contractors or volunteers.

## 5.0) Related Policies and Procedures

This scheme should be read in conjunction with:

- Planned Leave Policy
- Annual Leave Procedure
- Flexi Procedure
- Toil Procedure

#### 6.0) Definitions

**Career Break** – A career break is an extended period of **unpaid** leave from work, with the intention that, at an agreed date in the future, the member of staff will return to work with the Council.

#### 7.0) Purpose of a Career Break

A request for a career break may be considered if the purpose of the break is for:

- Care for children,
- Care of a relative, family member or close friend
- Voluntary work,
- Maintaining a family business,
- To start up a business and be self-employed,
- To travel,
- To undertake educational study or training

 $<sup>^{1}</sup>$  Employees must have at least two year's continuous service at the intended start date of the career break. Career Break Scheme

A career break will not be allowed for the primary purpose of taking up alternative employment except in a number of limited circumstances:

- Employees returning to full time education may take up part time or casual employment<sup>2</sup> to support them through their studies,
- Employees returning to full time education may undertake a student placement arrangement if required as part of their course of study.
- An employee travelling overseas may take up other work to support them while travelling.
- An employee volunteering with a charity who may receive a small subsistence allowance.
- Where an employee intends to work outside of the UK.

# 8.0) Eligibility

In order to request a career break an employee must have completed a minimum of two years continuous service with the Council by the proposed start date of the career break.

Additionally, an employee should not:

- be under investigation or be subject to disciplinary proceedings<sup>3</sup>
- be under formal notice of redundancy or dismissal for any other reason,

An employee on maternity, adoption or shared parental leave who meets the two year qualifying criteria may apply for a career break, and if approved, the career break can follow on directly from the end of the period of maternity, adoption or shared parental leave.

Employees on fixed term contracts are not excluded from applying for a career break provided they meet the two year qualifying period and the end date of the career break does not extend beyond the end date of their fixed term contract.

## 9.0) Duration and Number of Career Breaks

A career break can be granted for period of 6 months up to a maximum of two years.

An employee on a career break may ask for one extension for a period of six months or more, provided the total period of the career break does not exceed two years, see section 17.0 – Extending a Career Break.

More than one career break may be taken provided the total amount of time on a career break over an employee's total employment with the Council does not exceed five years. Requests for further career breaks can be made after a period of 12 months or the duration of the last career break (including any extensions) if this is greater, for example:

Length of 1 <sup>st</sup> Career Break	Time required before a 2 <sup>nd</sup> application can be made
1 year	1 year
2 years	2 years

# 10.0) Requesting a Career Break

An employee wishing to apply for a career break should first discuss their request with their line manager. If following this informal discussion an employee wishes to proceed with a career break they should submit a formal application using the Career Break Application Form (appendix 1).

<sup>&</sup>lt;sup>2</sup> Provided there was no conflict of interest with their role in the Council.

<sup>&</sup>lt;sup>3</sup> Any investigation or disciplinary proceedings would need to have concluded before an application could be considered.
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A minimum of three months' notice is required between the formal application being received and the proposed start date of the career break.

Each application will be considered on its own merits, and it may not be possible to approve every request for example, if it is not possible to cover the role during the period of the career break.

## 11.0) Considering a Career Break Application

The opportunity to take a career break is at the discretion of the Council and there is no guarantee a career break application will be approved. Career break applications will be considered on a case by case basis. The career break application form requires 2 step approval:

- Step 1 Employee's immediate line manager, followed by
- Step 2 Head of Service/Assistant Director or Director as appropriate.

A Director requesting a career break requires approval of the Chief Executive.

In considering a career break application, the following criteria should be reviewed:

- Are the reason(s) for the application in line with those set out in section 7?
- Will approving the career break have a substantial negative impact on service delivery?
- Can the Council reorganise the work amongst existing employees to cover the career break?
- Does the Council need to recruit to backfill for the career break vacancy?
- Could approving the career break affect the Council's reputation?
- Is the employee working within a particular specialism which is not readily available within the Council or in short supply within the job market.
- Is the employee undertaking a course of study for which financial assistance is being provided by the Council eg via the Employee Qualification Assistance Scheme, would the career break prevent them from completing the course of study?

Considering a career break application should be carried out in conjunction with advice and guidance from Human Resources where necessary.

An employee should be informed of the outcome of their career break application within 1 calendar month from the date of application being received by their line manager which may include conditions attached to the granting of the career break, for example that a post is backfilled prior to commencement of the career break.

## 12.0) Approving a Career Break Application

Where a career break has been approved an employee will be informed of the outcome in writing. This communication will confirm the start date and end date of the career break and will remind the employee of the conditions covering the career break.

Where approving a career break is dependent upon external factors, for example recruitment of backfill cover, the employee will be advised of this and the start date of the career break will only be confirmed once a candidate is appointed or the necessary arrangements are in place.

#### 12.1) Existing Financial Commitments

Existing financial commitments relating to funding provided via the Council's EQA or Car Purchase Assistance schemes should be discussed with the employee before the career break commences to ensure provision is made for payments during the career break.

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# 13.0) Declining a Career Break Application

Where a career break application cannot be approved, or the start date is deferred, an employee will be informed in writing of the reason(s). There is no right of appeal.

A Further request for a career break can submitted after a period of 12 months from the submission date of the declined request.

# 14.0) Effect on Terms and Conditions of Employment

An employee should fully consider the following implications of taking a career break and should take advice as relevant to their own circumstances.

Annual Leave (including flexi and TOIL)	There is no entitlement to accrue annual leave during a career break. All annual leave accrued must be taken before the start date of the career break. Flexi and/or TOIL balances should be reduced to zero or deficits cleared before the start of a career break. Any flexi or TOIL credit in place at the start of a career break will be lost.				
	A pro-rata reduction will be made to an employee's annual leave entitlement at the start of their career break. If leave or flexi has been overtaken this shortfall will be covered via a deduction from an employee's pay before the start of the career break.				
	Upon returning to work, a pro-rata deduction will be applied to the annual leave entitlement for the remainder of the leave year in which the employee returns. An employee will retain service related annual leave increments accrued prior to the start of their career break.				
Car Purchase	An employee with a car purchase assistance loan in place at the				
Assistance	commencement of a career break can continue with loan repayments during				
Scheme	the period of their career break until, either the loan is repaid, or the career				
	break has ended and the employee has returned to work.				
	An employee m	just contact the	· Council's Finance	e section to so	et un a
	An employee must contact the Council's Finance section to set up a payment plan before the start of their career break.				
	Alternatively, they could repay the outstanding loan balance in full before				
	starting their ca	• • •	3		
Continuous	Only the separa	ate periods of e	mployment befor	e and after th	e career break
Service	will be treated	as continuous f	or contractual pu	rposes, for ex	ample:
	Dates of E	mployment	Career Break	1	Service
	From	Until	From	Until	Accrued
	May 2010	May 2016			6 Years
			June 2016	May 2018	0 years
_			s commences at (		6 Years
Council		•	returned prior to		
Property	for example mobile telephone, laptop/tablet, equipment. Items of uniform				
	should also be		11. 1.6		
Council			dised/free access	to Council lei	sure centres,
Leisure	parks etc cease	S.			
Facilities and					
Recreation					
Areas					

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Disciplinary Sanctions	Any 'live' disciplinary sanctions in place at the start of a career break remain paused during the period of the career break and would be reinstated upon an employee's return to work.
EQA	Employees who have outstanding financial support provided under the EQA scheme should refer to section 10.9 of the EQA scheme rules which explains the process for repayment.
Health Cash Plan	Contributions paid by the Council will cease during a career break and an employee should make contact themselves with the health cash plan provider as to how the career break will affect their scheme membership.
Job Role	There is no guarantee an employee returning to work after a career break will return to the same job role.
Managing Attendance	Any 'live' managing attendance review periods in place at the start of a career break remain paused during the period of the career break and would be reinstated upon an employee's return to work.
Pay	There is no entitlement to payment of salary, wages, allowances or any other remuneration during a career break.
Pay Progression (increments)	Employees will return on the same spinal column point which applied prior to the commencement of their career break.
Pension Scheme	During a career break, pension contributions will not be paid and benefits will not accrue, this could affect an employees' final pension and or lump sum entitlements as periods of time during a career break do not count for superannuation purposes.
	An employee should make appropriate enquiries with both the Council's Payroll Section and their pension provider as to the effect a career break will have on their pension. During a career break any death in service benefit usually remains in force, however an employee should confirm for themselves with their pension provider that this is correct as Council does not administer the NILGOSC or the NICS pension schemes which may be subject to change from time to time.
	Following a career break, employees will have the option to 'make up' pension contributions through an arrangement with their pension provider.
	NILGOSC Pension Scheme Members: This should be set up within 30 days of returning to work from the career break. Repayments can be made up as a lump sum or as an additional pension deduction. Any repayment plan cannot exceed the duration of the career break. For more information, contact NILGOSC on 028 9076 8025
	Note: Should an employee repay their missed contributions the Council is immediately liable for employer's contributions to the pension scheme. With employer's contributions currently at 21% of employees' salary, line managers should make provision for this payment in their estimates.
	NICS Pension Scheme Members

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	Missed years can be made up by buying 'Added Pension'. For more information contact NICS Pensions on 028 7131 9000.
Professional Fees	A pro-rata deduction will be made from an employee's salary for any professional fees already paid by the Council at the start of a career break. Upon return to work an application can be made to re-join the professional body. The Council will not incur any liability relating to membership of a professional body including membership fees, re-joining fee or missed contributions during a career break.
Service	Service related increments will <b>not</b> accrue during a career break, for
Related	example:
Increments	additional annual leave
	occupational sick pay
Sickness	There is no entitlement for an employee to receive occupational sick pay
Absence	during a career break.
Redundancy	Should a redundancy situation occur during a career break an employee will be considered under the same terms as employees not on career break.
	If a redundancy occurs after an employee returns to work the period(s) of a career break will not count for the purpose of calculating redundancy payments.
Tax, NI	The Council will not be liable for any tax or national insurance contributions
Contributions	during a career break. As a career break could affect the right to, and
and	payment of, statutory payments such as statutory sick pay, statutory
Statutory Payments	maternity / paternity etc it is recommended that an employee should seek appropriate advice as to how this may affect them.
Trade Union Membership	Employees who are members of a trade union, and pay their subscription via a salary deduction arrangement, should agree directly with their union an arrangement for continuing with their payments should they wish to retain membership during the period of their career break.
Working Pattern	There is no guarantee an employee returning to work after a career break will return to the same working pattern, this would include any flexible working arrangements which were in place prior to the career break commencing.

# 15.0) Responsibilities During a Career Break.

Whilst on a career break an employee is required to:

- Be aware of their obligations under the Code of Conduct for Local Government Employees, in particular the requirements as set out in section 4 of the Code relating to standards of behaviour, impartiality and conflicts of interest,
- Inform the Council of any changes to contact details,
- Notify the Council of any change in circumstances which may affect their employment, for example their eligibility to work in the UK,
- Notify the Council of any criminal charges brought against them which could affect their employment at the end of the career break or which may bring the Council into disrepute.
- Not work as their main employment for another employer, including the Council via an employment agency or casual panel arrangement except for the circumstances outlined in section 7.

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 Maintain appropriate contact with their line manager in order for the Council to keep the employee informed of matters significant to their role and of any changes in circumstances which may impact on the career break or contact arrangements.

An employee on a career break may be asked to attend for work for statutory or refresher training up to a maximum of three days in any twelve month period for which the appropriate payment will be made. It is the employee's responsibility to ensure any job related qualifications/requirements essential for the role eg pool lifeguarding (NPLQ) or professional driver (CPC) are maintained by the employee during their career break. If upon the intended return to work date job related qualifications/training have lapsed and are not valid, the employee will not be permitted to return to work until such time as the job related qualifications/training have been obtained or brought up to date, the Council will not be responsible for any payment, fees or training costs incurred by the employee to reinstate any such qualifications/requirements.

During a career break an employee will be free to apply for publicly advertised vacancies within the Council. It is the responsibility of the employee to make themselves aware of such vacancies as they will not be formally notified. If successful with an application, an employee would expect to take up the new position at the time of offer, their career break would cease, and they would relinquish the right to return to the role they held prior to the commencement of their career break.

## 16.0) Maternity Leave

Employees on maternity leave can apply for a career break to commence from the week in which they were due to return from ordinary/additional leave. During a period of maternity leave, annual leave continues to accrue, and employees should take any outstanding leave prior to commencement of their career break. A career break must commence on the date immediately following any such period of annual leave.

An employee who receives Council Maternity pay prior to a career break who does not return to work after their career break for a period of at least three months will be required to refund this pay to the Council.

Employees on a career break may not be entitled to statutory maternity/paternity pay which is based upon previous earnings and national insurance contributions. An employee may be entitled to Maternity Allowance and should contact the Benefits Agency for further advice and information.

## 17.0) Extending a Career Break

An employee can request one extension to a career break for a period of six months or longer provided the extension does not take the period of the entire career break over the two year maximum, or the combined five year employment total.

Any extensions request should be notified to the employee's line manager at least three months before the original career break is due to end. Extensions are approved as set out in sections 11 and 12 in conjunction with Human Resources where necessary

Similarly, to the granting of a career break any extension requested is at the discretion of the Council and there is no guarantee a career break extension will be approved.

In considering a career break extension, the following criteria should be considered:

- Are the reason(s) for the extension in line with those set out in section 7?
- Will approving the extension have a substantial negative impact on service delivery?
- Can the Council continue to reorganise the work amongst existing employees to cover the career break extension?
- Is it possible to continue/extend the backfill arrangements to allow for the career break to be extended?

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Could approving the career break extension affect the Council's reputation?

A career break extension should be carried out in conjunction with advice and guidance from Human Resources.

An employee should be informed of the outcome of their career break extension within 1 calendar month from the date of extension request being received by their line manager.

# 18.0) Returning to Work

No later than three months before a career break is due to end an employee must notify their line manager in writing of their intention to return and should clearly state:

- Their intention to return to work on the previously agreed date
- They wish to request an extension (if applicable)
- They wish to resign from their role with the Council with effect from the end date of their career break.

Wherever possible an employee will return to a job at the same level as their job prior to their career break but there is no guarantee an employee will return to a particular post or grade or working pattern they held prior to the commencement of their career break.

Dependent upon the role an employee is returning to the Council may require an employee to undertake a medical assessment, Access NI check or other assessment eg driving, before confirming their return to work, or provide evidence of valid, and in date, job related qualifications eg NPLQ or CPC.

In the event that a suitable post cannot be found options such as redeployment, relocation or redundancy will be considered.

If on the expected date of return an employee is unable to attend work due to sickness absence they are expected to follow the managing attendance reporting arrangements.

#### 18.1) Returning to Work Early

An employee may request to return from a career break early by contacting their line manager. It should be noted that an early return is not guaranteed, especially if there are contractual arrangements in place with another employee who is covering the break. There is no automatic right to return early from a career break and a request may be declined.

#### 18.2) Failure to Return

If an employee does not return from a career break on the pre-agreed date and has not contacted their line manager to inform them of any reason or circumstances why they are not able to return then resignation of the employee will be assumed. In this instance the Council will write to the employee at the address held on the HR system to confirm their resignation with effect from the end date of the career break.

# 19.0) Policy Owner

**Human Resources** 

Policy Agreement:

LJCC : 4 February 2021
 SPRC : 11 March 2021
 Council: : 7 April 2021

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# 20.0) Monitoring, Review and Evaluation

This procedure will be reviewed every four years in consultation with Senior Management and Trade Unions. However, the procedure will be reviewed sooner in the event of any one or more of the following:

- a) Failure or weakness in the policy is highlighted
- b) Changes in legislative requirements
- c) Changes in Government/Council or other directives and requirements.

# 21.0) Equality Impact Assessment

This procedure has been equality screened and it has been concluded that this procedure is not subject to an EQIA. A copy of the equality screening is available from Human Resources.

This procedure supersedes all previous career break schemes or procedures in operation within Newry, Mourne and Down District Council with effect from 1 April 2021 and is applicable to all employees

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## **Appendix 1**

# **Career Break Application Form**

	comhairle Ceantair an Iúir, Mhúrn agus an Dúin
	Newry, Mourne and Down District Council

Step 1 of 4 Start Date with Name Council Job Title Department Reason for Request **Proposed Start Duration of Career** Date Break being requested **Expected Number of Previous** Return Date career breaks In requesting this career break I confirm I have read and understood the implications of a career break on my contract of employment with the Council. If my career break application is approved I confirm I agree to the conditions of the career break scheme. Signed **Dated** Step 2 of 4 To be completed by line manager in conjunction with Head of Service/Assistant Director and discussion with Human Resources. Date Application Received Is the request for the career break in line with the Council Yes No Procedure? Reason for supporting/deferring or declining the request for a career break (Please attach additional information if required) If supporting a request has the duration and start date of Yes No the career break been confirmed with the employee?

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Please state any pre-requisites to

the career break being approved.

Is the career break approval dependent upon any of

the following factors?

Recruitment of backfill cover?	No			
Reorganisation of existing work	No 🖂			
Other				
Signed		Date		
Job Title				
Step 3 of 4				
To be completed by Head of Service/Assist	tant Director/Dir	ector (as appropriate)		
Date Application Received				
approved?	es	No		
Reason for supporting/deferring or deci	lining the reque	st for a career break		
Signed		Date		
Job Title				
The completed form should be return	rned to Humai	n Pasaurcas		
The completed form should be returned to Human Resources				
Step 4 of 4				
Human Resources Use	T			
Date Application Received				
	Yes	No		
What else needs to go in here?  • Letter to employee  • Update PAMS/Payroll				

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Ag freastal ar an Dún agus Ard Mhacha Theas Serving Down and South Armagh

For further Information in relation this Procedure please contact HR on 0330 137 4025

**Oifig an Iúir Newry Office** O'Hagan House Monaghan Row Newry BT35 8DJ Oifig Dhún Pádraig Downpatrick Office Downshire Civic Centre Downshire Estate, Ardglass Road Downpatrick BT30 6GQ

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