

CAREER BREAK POLICY

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Career break policy

CONTENT	PAGE NUMBER
Policy Statement	3
Scope	3
Key Principles	3
What is a career break?	3
Eligibility	4
Duration of the career break	4
Benefits and pay during the career break	4
What happens to the employee's substantive post during the career break	5
Responsibilities during the career break	5
How to request a career break	6
Considerations for managers and for those applying for a career break	6
How to consider the request	6
Request is approved	7
Request is declined	7
Keeping in touch	8
Career break following Maternity, Paternity, Foster or Adoption leave	9
If the employee wishes to come back earlier than planned	9
Returning to work	9
Termination of employment/career break	10
Study during a career break	10

CAREER BREAK POLICY

POLICY STATEMENT

Carmarthenshire County Council values the accumulated knowledge and skills of its staff and supports the use of innovative ways of retaining them in post whilst allowing individuals to explore opportunities for personal development and fulfilment or to provide full-time care for a dependant

The Authority recognises that staff members should be able to balance their paid work with other commitments and responsibilities. There may be times in their career when they wish to seek a longer period of time away from work than that provided for by other leave arrangements.

This version supersedes any previous versions of this document.

SCOPE

This Guidance applies to all Carmarthenshire County Council employees excluding school based employees.

KEY PRINCIPLES

- The Career break scheme is discretionary
- The Authority will give due consideration to all career break requests made under this policy however there is no automatic right to a career break
- Employees should refer to their Local Government Pension Scheme (LGPS) member's handbook or contact Pensions online at [Dyfed Pensions](#) for information as to how the career break will affect their pension.

What is a Career Break?

A Career break is an extended period of **unpaid** leave from work with the intention that at an agreed future date the employee will return to work with the Authority. An employee does not accrue any service during the career break period.

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

- time off in order for the employee to undergo a university or college course;
- time off on account of childcare or other family responsibilities;
- time off to allow an employee to pursue a personal interest or undertake a personal project;
- overseas travel, for example for the purpose of visiting family; or
- any other purpose agreed with the Authority

Eligibility

- Employees must have been continuously employed for at least one year to be eligible to apply for a career break
- Employees absent from work due to sickness are not eligible to apply until they have returned to work
- It will be unusual for an employee to request a career break if they are employed on a fixed contract. However, the employee should not be treated less favourably than permanent employees when considering the request. The career break period cannot extend beyond the fixed term contract period.
- This policy must be applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion, age, gender, gender reassignment, sexual orientation, and parental or marital status.
- Agreement is dependent on service needs

Duration of the Career break

The Career break policy allows a break from employment for a minimum of one year up to a maximum of three years. Employees returning from a career break must complete at least one year's service before applying for another career break.

If an employee requires a break for less than one year; please use the Time off policy, Time off for Dependants or Flexible working policy.

Benefits and pay during the career break

- During the career break all Authority benefits and pay cease
- Holiday, sickness and redundancy pay entitlements will be based on the number of years' service accrued before taking the break. In the year of returning, these benefits will be pro-rata depending on the number of full months remaining in the year. All annual leave should be taken before the career break starts, however in the event that this cannot be accommodated, the line manager has the discretion to authorise up to 5 days of annual leave to be carried over to the leave year of return. Annual leave does not accrue during the career break
- As a member of Local Government Scheme Pension Scheme (LGPS), you are able to reinstate any 'lost pension' arising from a period of unpaid leave by paying additional contributions under an Additional Pension Contribution (APC) arrangement. On your return to work, you will be given the option to reinstate the pension lost during your period of unpaid leave. If you elect to do so within 30 days of your return to work, the repayment will be split between you and the Authority (1/3 to the member and 2/3 to the Employer). However, if your election

is made outside this 30 day period, the entire cost of reinstating your lost pension will be payable by you, as the member.

- As a career break is deemed to be continuous service if you die in service or become permanently incapacitated whilst on a career break entitlement under the Local Government Pension Scheme continues. You or your representative is responsible for ensuring retrospective pension contributions are paid.

What happens to the employee's substantive post during the career break?

- If the career break is for 1 year the Authority will, where possible aim to support the employee to return to his/her substantive post. If the career break is more than one year and up to 3 years, the Line Manager and Department are required to forward plan for the return of the employee and identify suitable alternative employment for the employee commensurate with their substantive grade, qualifications, skills and experience if the substantive post cannot be held open.
- When considering an employee's request, a manager must consider what action is necessary to cover the employee's substantive post. It may be that the employee's workload can be distributed to other members of the team or that temporary cover is arranged.
- The employee should ensure she/he keeps up to date with developments in respect of their substantive post.
- If during the duration of the career break there is any possibility of change such as redundancy or reorganisation that may affect the individual's job, Managers must contact the employee to advise them of this. The same information and right to attend meetings as those in work will be given.
- Should the employee's substantive post no longer exist on the organisation's structure, following, e.g. reorganisation or restructure, the employee will be treated as any other permanent employee and should not be put at a disadvantage as a result of the break. In this situation the employee will be subject to the [Redeployment policy](#) and [Redundancy policy](#)
- If an employee wishes to return to work earlier than the date originally specified, they are required to give at least 3 months' notice of the request. Although every effort will be made to accommodate this request, it should be recognised that this cannot be guaranteed. Alternative options can be explored, for example, offering a position in a temporary post until the original end date role of the career break

Responsibilities during the break

During a career break the employee:

- Must not work for another employer unless specifically approved by the Authority
- Must keep up to date with their profession by maintaining membership of relevant professional institutions and by reading professional journals.
- May attend any professional updating courses organised by the Authority, if invited
- Must inform Human Resources of any changes of personal or contact details
- May undertake 10 days' work for the Authority per year, where appropriate for the employee and the Service Area, at the appropriate rate of pay

How to request a Career break

Where possible an employee should submit an application form for a career break at least 3 months before the intended date of commencement to their line manager using the application form (appendix A).

Within 14 working days of receiving an application for a career break, line managers are advised to meet to discuss the application with the employee.

The line manager is also advised to consult with a Human Resource Advisor prior to considering a request for a career break.

Considerations for managers and for those applying for a career break

The following factors need to be taken into consideration by the line manager and employee when considering a career break application:

- The needs of the department
- The reason for the career break
- What the employee plans to do during the career break
- Any practical or soft skills that will be learnt and any benefits it will bring to the Authority & their job role
- The number of staff who may be absent during the period of the career break, e.g. maternity leave, long term ill-health, etc.
- The nature of the work the employee does
- The cost of covering an employee's absence
- Alternative methods of covering the post
- The effects on managing workloads - consider current and projected workload
- The notice given
- Whether they will need retraining on their return
- Whether a return to the same job is guaranteed
- The nature of the contractual relationship during the absence

How to consider the request

A meeting will be convened **within 14 working** days to discuss the application (Appendix A) and the practicalities of the proposed career break.

The manager will discuss the application with their Head of Service and Line Manager in conjunction with Human Resources and provide a response **within 14** working days of the meeting. The Head of Service or nominated representative will make the decision based on the reasons for the request, the intended duration of the break and the organisational and operational requirements of the Service. The opportunity to take a Career Break is at the Services discretion.

If the break will be in excess of one year, Managers need to consider whether it is viable to keep that post open for that individual.

Managers should also take note of the employees' grade and consider the likelihood of finding similar posts should the employees substantive post not be available upon return.

All applications should be treated in a fair manner.

Consideration will need to be given to the feasibility of recruiting a replacement given the nature of the post and the duration of the requested break

The timing and duration of the break are matters for discussion and agreement between both parties.

The outcome of the request, whether accepted or not, will be conveyed to the employee in **writing within 28 working days of receipt of the application.**

Request is approved

Written confirmation will be provided to the employee within **14 working days** of the meeting confirming the conditions covering the career break. A copy will be held on the employees HR file. HR will inform the payroll & pensions department of the career break. Employees are advised to seek advice on the impact of a career break on state benefits, occupational pension and life cover. For information on pension contributions contact the pensions department or [Dyfed pensions](#)

Request is declined

If the application is declined, the line manager should inform the employee **within 14 working days**. This should be set out in writing and should clarify the reasons for not granting the career break. For instance, it may not be appropriate to grant career break applications for the following reasons:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Planned structural changes

An employee has the right to request a review of the decision, the request for a review should be made in writing to the appropriate Director or nominated representative. The employee will be required to set out the reason for their request to review the decision as soon as possible upon receipt of the written notice of the decision (no later than 10 working days after notification of the decision). The Director or nominated representative will review the application within **10 working days** of the request. The decision of the Director or nominated representative will be final and should be conveyed to the employee in writing **within 5 working days of the review**.

Keeping in touch

Keeping a level of contact in place is important as those on a career break can feel isolated and may not be encouraged to return to work. If contact is retained throughout the break, the need for training may be reduced and can assist with ensuring the retention of a skilled member of staff. Arrangements for maintaining contact should be agreed by the line manager and employee before the commencement of the career break. Contact can be maintained through the following suggested ways: e.g. by ensuring the employee continues to receive departmental publications, updates and Newsletters etc.

The onus is also on the employee to maintain contact and appropriate registration with any professional bodies and organisations that s/he is a member of, and should keep their manager informed of newsletter, literature etc. they may need.

Employees may be required to work a minimum of 10 working days in each calendar year of the career break. The details of which are to be arranged between the line manager and the employee in advance before career break begins. This 10-day period does not have to be continuous. Individuals may be invited to training sessions/ seminars and briefings, of which a total of 5 days can count towards the 10 days working days. Individuals will be paid pro rata salary for these days. These working days are designed to help preserve the skills and knowledge of the individual, and will assist with keeping the employee up to date with developments. Employees strictly cannot partake in any work outside of this given 10-day work period with the Authority.

Line managers must notify their Human Resource Advisor of the days worked so that payroll and pensions can action payment. Keeping in touch days and are regarded as pensionable salary.

Career break following Maternity, Paternity, Foster or Adoption leave:

An employee can apply to begin his/her career break following Maternity, Paternity, Foster or Adoption leave:

- Employees on Maternity, Paternity, Adoption or Foster Leave can take a Career Break immediately following this leave if they meet the eligibility criteria.

- As in all circumstances the intention to apply for a career break should be made at least 3 months prior to the proposed start date of the career break to enable the application to be explored reasonably;
- If the application is accepted the career break commences the day after the expiry of maternity, paternity, foster or adoption leave;
- If a career break follows maternity leave the individual will not be expected to repay maternity payments provided that she returns to work for a minimum period of 13 weeks following the career break.

If an employee takes a Career Break immediately following Maternity or Adoption Leave but either resigns during the break or fails to return at the end of the break for a period of at least 13 weeks, the employee will be expected to repay occupational maternity/adoption payments as stated in the [Maternity Policy](#)

There will be no entitlement to the Occupational Maternity or Adoption scheme if an employee becomes pregnant or adopts a child whilst on career break. There will be entitlement to the Occupational Maternity or Adoption scheme if the employee has the relevant service and is in actual employment with the Council 15 weeks before the expected week of childbirth. Please see the [Maternity Policy](#) for more information.

If the employee wishes to come back earlier than planned

If an individual's circumstances change during the break and the employee wishes to come back earlier, they must request to do so in writing.

This will be considered by the Head of Service. The decision whether or not to allow a request will be based on the personal circumstances, reasons given and the effect on the Service area.

Returning to work

Three months before the career break is due to end the employee should notify their Line Manager in writing that either;

- They will be returning on the expected date, or
- They request an extension to the break, or
- They wish to resign.

Where possible the Authority will aim to support the return of the employee into his/her original post. However, it is recognised that this cannot always be guaranteed due to changes that may occur to service provision during the career break. Where possible however the following guidance is recommended:

- If the career break is for a 12 months duration the employee should return to their substantive post
- If the career break is for more than 12 months and up to 3 years the Line Manager and Department are required to forward plan for the return of the employee and identify suitable alternative employment for the employee

commensurate with their substantive grade qualifications, skills and experience if the substantive post cannot be held open.

- Line managers are required to forward plan for the eventual return of the employee to the Department.
- If in exceptional circumstances the employee cannot return to their substantive post or be offered a suitable alternative post within the Department the employee will be offered the opportunity to join the Redeployment Register no later than 3 months prior to the expected date of return from the Career Break.
- If after three months, a suitable alternative post is not secured, the Authority's Redeployment and Redundancy Policies will be invoked.
- If an employee wishes to return to work earlier than the date originally specified they are required to give at least 3 months' notice of the request. Although every effort will be made to accommodate this request, it should be recognised that this cannot be guaranteed. Alternative options can be explored, for example, offering a position in a temporary post until the original end date role of the career break.
- Occupational and statutory maternity pay may be affected depending on when qualifying week for maternity pay calculation falls. Further advice can be sought from Departmental Human Resource Advisors.
- Employees have a duty to inform their line managers at the earliest opportunity of any changes, problems and issues that may occur in relation to the career break. If the employee wishes to change the terms of their career break this must be done with the agreement of their line manager. For example, request an extension to the career break or utilise the break for a different reason than originally outlined.

Termination of employment/career break

If the employee wishes to resign from the Authority during the career break then s/he is required to give written notice to terminate their employment as outlined in their terms and conditions of employment.

The Authority reserves the right to terminate an employee's career break if the terms of the career break agreement are changed or breached without agreement. For instance, an employee outlining in the application that s/he will be using the time for travelling and it transpires is working for another employer. The Authority may consider using the Disciplinary Policy in such circumstances.

Study during a career break

If an individual is undertaking a course of study funded by the Authority prior to the career break, training costs may be recouped from the employee. It is recognised that the circumstances in which this might occur will vary, thus the line manager must exercise discretion depending on the circumstances. For example, if the Authority has

already committed to fund a course, which has to be terminated due to the career break, the individual is required to pay back the cost of the course prior to the commencement of the career break or explore if the course can be postponed until the employee's return. If the purpose of the career break is devote more time to study and the completion of a course of study it may be reasonable to continue to fund this.

ENSURING EQUALITY OF OPPORTUNITY

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this policy and procedure.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this publication in an alternative format please contact People Management on Ext 6184 or email PMBusinessSupportUnit@carmarthenshire.gov.uk

APPENDIX A

APPLICATION FORM FOR A CAREER BREAK

Name:	
Employee Number:	
Department:	
Position Held:	Hours Worked:
Employment start date:	
Career break start date requested:	
Length of career break requested:	
Reason for the Career Break request: <ul style="list-style-type: none">• What do you want to do during your career break • Any practical or soft skills that will be learnt and any benefits it will bring to the Authority and/or your job role	
Checklist for Managers to discuss with employee: <ul style="list-style-type: none">• The needs of the department• The number of staff who may be absent during the period of the career break, e.g. maternity leave, long term ill-health, etc.<ul style="list-style-type: none">▪ The nature of the work the employee does▪ The cost of covering an employee's absence▪ Alternative methods of covering the post.▪ The effects on managing workloads- consider current and projected workload▪ The notice given▪ Whether they will need retraining on their return▪ Whether a return to the same job is guaranteed	

<p>Approved / Declined* (delete as applicable)</p> <p>If declined, state the reason why?</p>	
<p>Applicant informed of right of appeal: Yes/No* (delete as applicable)</p> <p>Date referred to Head of Service:</p>	
Employee signature:	
Manager signature:	
HR signature:	