

Livewell Southwest

Career Break Policy

Version No. 3

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Notice to staff using a paper copy of this guidance

The policies and procedures page of the LSW intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.

Author: People and Professionalism

Asset Number: 930

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Document review history

Version no.	Type of change	Date	Originator of change	Description of change
-	-	-	HR Manager	Replaces all previous Manager Guidelines documents.
2	Full Policy Review	August 2016	HR Policy Group	New Policy Document
2.1	Extended	July 2018	Head of HR & Staff Wellbeing	Extended
2.2	Minor amendment	December 2018	HR Advisor	DOB removed from application form
2.3	Minor amendment	January 2021	HR Admin	Extension
2.4	Extended	April 2021	HR Admin	Extension
2.5	Extended	November 2021	Associate Director of HR & Engagement	Extension
2.6	Minor amendment	November 2022	HR Business Partner	Removal of 2.2 reference to SHWD policy and changes to job titles and registered offices
3	Reviewed	October 2022	Virtual Policy Ratification Group.	Minor changes

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Career Break Policy

1 Introduction

- 1.1 Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.
- 1.2 Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.
- 1.3 The organisation recognises that employees may have a variety of reasons for exploring opportunities for a career break to support work/life balances.

2 Purpose

- 2.1 This policy sets out the arrangements for application and approval of career break absences. This policy shall operate alongside additional policy arrangements for other forms of Leave.
- 2.2 This policy does not form part of any employee's contract of employment and Livewell Southwest may amend it at any time.

3 Definitions

- 3.1 A career break is a period of absence from the workplace which is between 3 months to 5 years and is unpaid. A career break is an agreement between the employer and employee rather than a statutory requirement.

4 Duties & Responsibilities

The **Chief Executive** is ultimately responsible for the content of all policies, implementation and review.

- 4.1 Line Managers are responsible for:
 - Ensuring that this policy is adhered to within their specified area, and should take consideration of it when undertaking relevant processes.
 - Ensuring that employees are made aware of this policy and understand the potential implications of processes in relation to it.
- 4.2 Employees must:
 - Ensure that they participate and engage in any processes and in line with this policy.

- Make their Manager aware if they require any additional support to participate in processes within this policy.

5 Career Break Procedure

- 5.1 Employees who are seeking a career break should submit their application (Appendix 1) to their line manager in advance. Applications for career break should be made at least 2 months' in advance of the intended start date.
- 5.2 All employees are entitled to apply for a career break however they must have a qualifying period of continuous service within Livewell Southwest of 12 months. Applications must specify the intended start date of the career break, the duration of the break, and any other key information. Employees can make one application for career break per rolling 12 month period.
- 5.3 The line manager will consider the application and seek approval/authorisation from the relevant Assistant Director/Deputy/or equivalent. Applications for a career break will be considered in light of the service needs, thus they cannot be guaranteed.
- 5.4 There may be a requirement to arrange a meeting to discuss and explore the application in more detail; in particular where the career break request is not approved but alternative compromises could be explored and agreed.
- 5.5 Once approved the line manager shall be responsible for preparing a change form along with a written letter to the employee confirming the career break arrangements (Appendix 2).
- 5.6 The period of the break will not count towards continuous service however the staff member is still employed by Livewell Southwest under their existing terms and conditions. Other provisions dependent on length of service, i.e. contractual redundancy payments, leave entitlements etc., should be suspended for the period of the break.
- 5.7 There is no entitlement to salary or any other payments of leave (including annual, occupational or statutory sick, maternity, paternity, adoption, etc.) or any other benefits. Any regular deductions from salary will cease.
- 5.8 If the employee is participating in the lease car scheme they should make arrangements for this to be concluded and the car returned prior to the commencement of a career break. Any early termination costs will be met by the employee. In exceptional circumstances this may be amended with agreement of the Assistant Director and a senior HR Representative.
- 5.9 Employees may choose to continue pension contributions or they may be able to buy back pension units during the career break period however this is specific to the type of pension programme (NHS Pension, Scottish Widow, or Local Government) and the employee should discuss arrangements directly with their pension provider.
- 5.9.1 Entitlement for payment to pension schemes should be agreed with the

relevant provider and the employee is responsible for informing the Livewell Southwest Payroll & Pensions Advisor to ensure appropriate payment arrangements are in place prior to the career break period.

5.10 No later than 28 days prior to statutory leave ending (maternity, adoption, or shared parental leave), employees can request a career break immediately following their leave. Should employees choose to take longer than 12 months they would be required to repay the difference between their statutory and occupational pay. However should the break be less than 12 months no repayment of pay would be payable provided that the employee returns to work for a minimum of three months after the career break.

5.11 Requirements of the employee during the career break period:

- Keep up requirements of professional registration.
- Make direct contact with line manager at agreed intervals.
- Do not work in any paid capacity in the UK.
- Ensure you update the organisation with any changes to your personal details.
- Write to line manager at least 6 weeks before planned return to work with confirmation of intention and arrangements.
- Return to work on the date agreed.
- Inform your manager if you do not intend to return to work. The contractual notice periods shall apply.

Employees are expected to comply with the conditions above and the terms of their career break; please note failure to do this may mean your continued employment is reviewed and dismissal considered.

5.12 Requirements of the line manager during the career break period:

- Agree the terms with the employee prior to the career break starting. This shall include the start / end date of the career break, arrangements for contact during the career break period, and any other relevant details.
- Issue a letter confirming arrangements to the employee and detailing the agreement with regards the pension contributions.
- Raise a change form placing the employee onto their career break with defined start and end dates, also make clear whether the career break is pensionable or not.

5.13 In the event that an employee wishes to change the arrangements for a career break by returning to work earlier or later than the originally agreed date, the employee must provide a further application with at least 28 days' notice of their request. This will be considered by the line manager and relevant Assistant Director/Deputy/or equivalent in light of service need. Written confirmation will be provided to the employee. The decision will be final and any applications for changes cannot be appealed.

5.14 Where the career break is up to 12 months the employee will return to work at the same basic salary and grade with uplifts by any general increases (i.e.

negotiated annual uplift) but there will be no incremental progression. The substantive post will be held where it is reasonably practical. Where it is not possible to return to the original substantive post you will be consulted appropriately in line with Livewell Southwest organisational change protocol.

- 5.15 Where the career break is over 12 months the organisation will initially seek to place the employee in their original post however where this is unavailable the organisation will seek to redeploy the employee to a similar post upon their return. The employee may be required to undergo a period of reintroduction to work and/or re-training. This may result in the employee being employed at a lower grade and basic salary for the minimum required time. This must be agreed with the employee prior to their return.

6 Appeal Process

- 6.1 An employee may appeal against their manager's decision regarding their initial application to commence a career break. The appeal must:
- Be in writing and dated, sent to Manager's Manager;
 - Set out the grounds on which the employee is appealing; and
 - Be made within 14 days of the date on which the written rejection of the request was made.
- 6.2 Following receipt of the appeal, a meeting will be arranged with the employee. Usually the meeting will be within 28 calendar days.
- 6.3 The employee may be accompanied by a Trade Union representative or colleague.
- 6.4 The employee will be informed in writing of the decision as soon as possible after the appeal meeting.
- 6.5 If the appeal is upheld, the employee will be advised of the career break arrangements and the manager must raise a change form (if appropriate) and ensure that a copy of the change form is recorded on the employee's management file.
- 6.6 If the employee's appeal is rejected, the manager will give the service's reason(s) for the decision and explain why the reason(s) apply in the employee's case. The employee will not be able to make another formal request until 12 months after the date of the original application.
- 6.7 Employees must bear in mind when making a request that managers have to consider the needs of the service or department as a whole, and may not always be able to accommodate an employee's request, although they will do so whenever practicable.

7 Training Implications

Guidance and advice is available from the HR department in the implementation of this policy.

8 Monitoring Compliance

Failure to comply with the contents of this policy may result in disciplinary action. Please refer to the Disciplinary Policy for further details. The effectiveness of this policy will be monitored through the HR Policy Group.

All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the relevant Assistant Director.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Signed: Director of People and Professionalism

Date: 23rd November 2022

Appendix 1 – Application / Approval Paperwork

CAREER BREAK REQUEST FORM				
Section A – To be completed by the Applicant				
1.	Name:			
2.	Assignment No:			
3.	Job Title:			
4.	Hours Worked:			
5.	Outline Request (include reason for career break)	Start Date		End Date
6.	Pension Contribution Choice: Employees are responsible for exploring pension arrangements with their pension scheme provider as the provisions may vary. Employees are responsible for informing the Payroll & Pensions Advisor of their pension arrangements.	Please specify pension provider and request for pension payment arrangements (such as ceasing pension contributions, continuing pension contributions, and any other relevant arrangements).		
Section B – To be completed by Line Manager				

Supporting Application for Career Break		Yes		No	
Reasons:					
Arrangements for the employee upon return from career break:					
I declare I will comply with the conditions as per paragraph 5.11 of the LSW Career Break policy and understand that failure to do this may affect my continued employment status					
Employee					
Signed					
Date					
Line Manager					
Signed					
Date					
Section C: To be completed by Assistant Director /Deputy or equivalent					
<i>Name:</i> (print)		<i>Can request be accommodated:</i>		YES <input type="checkbox"/>	NO <input type="checkbox"/>
		<i>Supporting Application:</i>		YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>Reasons for the decision:</i>					
Signed:					

Date:	
Please ensure a change form is raised detailing the following: start date of career break, end date of career break, pension arrangements.	
Manager: Confirm arrangements via letter. Please ensure a copy of this form and the letter are sent to HR Team.	

Appendix 2 - Template Letter

Mount Gould Hospital
Mount Gould Road
Plymouth PL4 7QD
Tel: 01752 <PHONE>
Email: <EMAIL>@NHS.net
<DATE>

PRIVATE AND CONFIDENTIAL

<NAME>
<ADDRESS>
<ADDRESS>
<CITY>
<POSTCODE>

Dear <NAME of EMPLOYER>,

I am writing to confirm arrangements following our agreement for you to undertake a career break. Your career break will commence on <start date> and your expected return date is <end date>. Continuity of employment will be maintained during the period of the career break.

There is no entitlement to salary or any other payments during your career break. This includes no entitlement to sick pay, maternity/paternity pay or paid adoption leave. This also includes the accrual of annual leave which will cease for the period of the career break. In addition, any regular deductions from salary will cease e.g. Trade Union subscriptions, student loan payments, etc.

Arrangements for your pension scheme should be discussed with your pension provider (e.g. NHS Pensions, Scottish Widows, or Local Government Scheme). You may be able to continue contributions however you must discuss with your provider and inform the Livewell Southwest Payroll & Pensions Advisor of your intentions.

During your career break you are required to maintain any professional registration as required by your role. I would also like to agree regular contact at <agreed interval> during the break. Please note that you are not able to work in the UK in any paid capacity during your career break.

Before you return to work I require you to confirm in writing your intention to return at least six weeks before <end date>. In the event you wish to return sooner, you will need to provide an updated career break application with at least 28 days' notice. The same will apply if you wish to extend the career break (although this will be considered in light of the service needs at the time of application thus is not guaranteed). If at any point you feel you do not intend coming back to employment you must let me know and your contractual notice period shall apply.

Returning to Work

Option one: As your career break is less than 12 months the organisation will initially seek to place you in your substantive post however where services have changed and this is not possible we will discuss redeployment opportunities upon return to work.

Basic salary will be uplifted by any general increases but there will be no incremental progression.

Option two: As we have agreed and as your career break is 12 months, where it is reasonably practical you will return to your substantive post at the same basic grade and salary. Basic salary will be uplifted by any general increases but there will be no incremental progression.

Option three: As we have agreed and as your career break exceeds 12 months the organisation will initially seek to place the employee in their original post however where this is unavailable the organisation will seek to redeploy you to a similar post upon your return to work. As part of your return, we require you to undergo [re-introduction or training – need to clarify for the letter pay arrangements if at lower band].

You are reasonably expected to comply with the conditions of your career break; please note failure to do this may mean your continued employment is reviewed and dismissal considered.

Finally, I wish you well for your career break.

Yours sincerely

<NAME>
<ROLE>

CC. HR Team