

# HR & OD POLICIES

human resources and organisational development



## Career Breaks Procedure

Local Government, Craft and Chief Officials

## Index

INTRODUCTION	3
TERMS OF THE SCHEME	4
Eligibility	
Duration and Frequency	
Conditions	
Calculation of Annual Leave and Public Holidays	
Maternity / Adoption	
Pension and National Insurance	
Communication	
PROCEDURE	8
Application	
Extending a Career Break	
Return to Work	
Health Checks	
GTCS and SSSC Registration	

# 1. INTRODUCTION

A career break is an opportunity for employees to take a period of extended unpaid leave with the option of returning to work in the same or similar post. For example career breaks could be taken for one of the following reasons:

- To provide longer term care for young children, elderly relatives or dependents
- Following a period of maternity, adoption or paternity leave
- To undertake a course of study
- To undertake a public service or voluntary work.

The scheme is not intended to release employees to undertake paid work, however there may be instances where this may be viable e.g. taking on bar work whilst travelling. Before commencing any paid work, an employee and their line manager must review the 'Conflict of Interest' section of the [Employee's with Multiple Posts](#) guidance document within the Council's Working Time Procedure and complete an [Employee Declaration form](#).

Before authorising a career break, the Service may consider the factors listed below:

- The purpose of, or reasons for, the career break
- The period of absence requested
- The remaining length of an employee's contract
- Whether the employee has taken a career break on a previous occasion
- The operational and/or business needs of the Service (both short and medium/long term)
- The need to retain key skills, knowledge and experience to achieve the Service and Council's longer term strategic objectives and ensure that staff expertise is aligned to service demand and priority activities
- The potential to be able to cover the post on a temporary basis and the associated costs
- The impact an early end to the Career Break would have to the employee on the Career Break and the employee covering their post.
- The potential for the employee to return to a similar/the same post
- The potential benefits to the Service, Council and employee
- Provisions for communication

The list above is non-exhaustive and other factors may influence Service decision.

Whilst every effort will be made to agree to a career break, approval is not guaranteed and an employee should not commit to any plans prior to an application being approved.

In certain circumstances a career break may not be the most appropriate arrangement and other options could be considered e.g. parental leave, secondment, an amended working pattern etc.

This procedure applies to employees covered by Local Government, Craft and Chief Officials Terms and Conditions. Teachers and other associated professionals should refer to the [SNCT Handbook](#) Appendix 2.15.

## 2. TERMS OF THE SCHEME

### Eligibility

To be eligible to make an application for a career break an employee:

- will have at least two years continuous service with Aberdeenshire Council,
- should not have applied for, or been on a career break, within the previous two year period.
- should not have taken career breaks during their employment (singular or multiple) in excess of five years.

### Duration and Frequency

A career break can be requested for a minimum duration of six months, to a maximum duration of five years. The total duration across multiple career breaks must not exceed five years

The duration of a career break cannot extend beyond the end date of any existing employment.

Employees who are on a career break can apply for vacancies within Aberdeenshire Council, however, there will be no right for the career break to continue in a different position unless it is agreed under exceptional circumstances.

### Conditions

The period of the career break will be unpaid and will not count towards:

- Incremental progression. The employee will return on the same salary point, which applied prior to the commencement of the career break.

- The calculation of annual leave entitlement (detailed further below).
- Entitlement to occupational maternity/adoption pay.
- Entitlement to occupational sick pay.
- Continuous service. Only the separate periods of employment before and after the career break will count towards continuous service in regards to annual leave accrual and payments related to sickness and maternity leave.

However, a career break will not count as a break in service for the purposes of unfair dismissal and redundancy, as employees are not required to officially resign. Their continuous service would be suspended for the specified period.

### **If a career break is granted for a period up to and including 2 years**

Aberdeenshire Council will arrange for the employee to return to the job in which they were employed under their contract of employment (subject to any organisational or service restructuring).

### **If a career break is granted for a period exceeding 2 years**

There is no guarantee that an employee can return to the original job they held before commencing the career break. However, Aberdeenshire Council will endeavour to secure employment for the employee on the same substantive grade and one as close as possible to the same terms and conditions as the employee was subject to on the commencement of the career break.

In the event that a suitable post cannot be found by the intended re-start date then the employee will be placed on the redeployment register for a period of three months. The period of time on the redeployment register will be unpaid. If no suitable post can be found during that three month period, the employee's contract will be terminated.

The terms of the [Council's Redundancy Procedure](#), and if applicable the [Council's Redeployment Procedure](#), would apply where a redundancy situation arises that includes an employee on a career break.

Employees will be entitled to sick pay once they have returned to work. Payroll will look at the employee's continuous service accrued before the career break to determine the pay the employee is due.

If the employee is a member of a professional body then they may wish to ascertain any implications a career break may have on their membership. An employee who requires to be registered or holds a qualification requiring regular reassessment must maintain their registration during their break or re-acquire it, at their own expense, prior to their return to work.

## Calculation of Annual Leave and Public Holidays

Any outstanding leave entitlement must be used before the career break commences.

When an application to take a career break has been agreed an employee's annual leave and public holiday entitlement will be pro-rated to reflect the proportion of the year that will have been worked before the career break commences. This will also be undertaken for the proportion of the year left to work when the employee returns from the career break.

An employee who has accrued 5 years service prior to commencing a career break will retain their entitlement to 33 days annual leave on their return.

## Maternity/Adoption

Employees on maternity or adoption leave may apply for a career break if they fulfill the eligibility criteria detailed above. When the request has been approved the break may commence from the week they were due to return from ordinary/additional leave, regardless of when the application request is received.

Employees will accrue entitlement to annual leave throughout the whole period of their maternity or adoption leave (irrespective of whether the leave covers two years).

Employees should take any outstanding annual leave immediately prior to commencing the career break. When completing the required Career Break Request form, the career break would commence on the date immediately following any such period of annual leave.

If the employee receives the 12 weeks maternity/adoption pay at 50% of their pay and fails to return to work for at least three months at the end of the maternity/adoption leave or at the end of the career break, they will be required to refund this pay, or part of, to the Council.

If the employee wishes to apply for maternity/adoption leave during a career break they must notify their line manager. Employees may not be eligible for occupational paid maternity/ adoption leave (depending on when the career break commenced) but may qualify for statutory benefits. The normal statutory notification procedure must be followed as outlined within the [Council's Maternity Procedure](#) and [Adoption Procedure](#).

## Pension and National Insurance

Employees who are members of the Local Government Pension Scheme will not pay contributions or accrue pension benefits during any periods of Career Break. However, they can 'buy back' pension accrual by taking an Additional Pension Contract (APC). The cost of buying back the "lost" pension is shared between the employee and the Council provided the employee's PEN11 application form is received by Payroll before the expiry of a period

of 30 days beginning with the day on which the employee returns to work. In such cases the Council will meet 2/3rds of the cost for any individual period of absence up to 36 months. (An employee can buy back accrual for any additional period at full cost to themselves).

The PEN11 form together with guidance on completing it, including how to obtain the cost of the APC, is available from the Pension Fund website at:

<http://www.nespf.org.uk/> or may be requested;

By phone: 01224 264264

By e-mail: [pensions@nespf.org.uk](mailto:pensions@nespf.org.uk)

By post: North East Scotland Pension Fund, Corporate Governance, Business Hub 16, 3<sup>rd</sup> Floor – West, Marischal College, Broad Street, Aberdeen, AB10 1AB

The form will be sent to Payroll -

Via [askHR](#)

By post: Payroll Section, Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen AB16 5GB

The Pension Fund will make arrangements with Payroll for deduction of the cost of the APC from the employee's pay.

Please note that

- The return to work date is the day after the Career Break ends (not the day the employee physically returns to work if this is later, for instance due to taking Annual Leave).
- If the employee does not return to work after the Career Break, they will not be eligible to take an Additional Pension Contract – they must be an active member of the LGPS. The individual can pay a lump sum equal to the amount of estimated “lost pension” but Aberdeenshire Council will not be liable to pay their share as the individual will not be an Active member of the Local Government Pension Scheme.
- The Pension Fund will determine whether payment can be made as a regular amount over a period of time one or whether it must be made as a one-off lump sum.
- The Pension Fund may require the employee to provide a report from a registered medical practitioner prior to agreeing the APC – this would be at the employee's own expense.

For further information contact the North East Scotland Pension Fund as above.

Employees should also be aware of the implications regarding their National Insurance contributions, further guidance can be sought from the [Department of Work and Pensions](#) on the implication of the career break on state benefit entitlements.

## Communication

A communications plan will be drawn up between the line manager and the employee to ensure effective communication is maintained. The plan will include details of the minimum amount of contact and the methods of communication to be used. It will be the responsibility of the employee to provide contact details (where practical).

If there is a requirement for an employee to attend work whilst they are on a career break, for example to attend any meetings or training sessions, they will be paid at the hourly rate which had been applicable at the date the career break commenced via timesheet.

## 3. PROCEDURE

### Application

Employees will submit their career break application to their line manager by completing the [Career Break Request Form](#). The application should be submitted at least three months in advance of the requested commencement date of the break (this timescale may be varied with mutual agreement of both parties).

The line manager will acknowledge receipt of the letter and arrange for a meeting with the employee to discuss the application before a decision is made. The line manager will ensure at the outset that the employee meets the criteria for eligibility as detailed within this procedure.

Following the meeting the line manager must then respond to the employee in writing with the decision regarding the application using either the [Authorised](#) or [Refusal](#) wording found in the Resource Pack. This response must be given to the employee within 21 days of receipt of the application and include details of the reasons if the application is refused and the right of appeal.

If the application is approved, it is the responsibility of the employee's line manager to submit:

- The completed Career Break Request form (signed by employee and line manager);

NB Please ensure you add any outstanding value of annual leave that has not been taken, calculated up to the Career Break commencement date within 'Additional Details'.



- A copy of the letter sent to the employee confirming authorisation of their career break;

These should be attached on completion of an Employee Change Form via [askHR](#) at least 12 weeks before commencement of the career break (this timescale may be varied with mutual agreement of both parties). **All** documents need to be submitted to ensure records and payments are correct from the outset.

If a request for a career break is refused, an employee can appeal the decision to their Head of Service or nominated Manager if they feel the procedure has been unfairly or incorrectly applied.

## Extending a Career Break

An employee is initially required to apply in writing to their line manager requesting an extension to their career break a minimum of 3 months before they are due to return to work (this timescale may be varied with mutual agreement of both parties).

The line manager will confirm whether an extension is to be granted by completing and sending an [Extension Authorisation](#) letter within 2 weeks of receiving the request and complete an Employee Change Form via [askHR](#).

The employee will retain the Extension Authorisation letter as confirmation of the continuation of their Career Break. It is therefore important that an employee communicates any change of address to their line manager to ensure they receive this.

## Return to Work

Employees who are on a career break may request to return to work at any time during the break upon giving three months notice in writing to their line manager (this may be varied with mutual agreement of both parties). The line manager will provide a written response within 14 days as to whether this request is agreed, there will be no right of appeal against the decision.

A line manager may request that an employee ends a career break earlier than the proposed return to work date upon giving three months' notice (this may be varied with mutual agreement of both parties). Ideally, the likelihood of this occurring should be considered and discussed with the employee prior to the career break being granted. However, it is appreciated unforeseen circumstances may arise.

Head teachers must be aware that employees on term time contracts should not return from a career break just before school holidays and their start date in August. This will avoid payment of holidays that the employee had not worked in the previous year.

It is the responsibility of the employee's line manager to commence arrangements for the return of an employee from a career break at least 12 weeks prior to the end date of the break. This will include determining and scheduling any training requirements for the returning employee.

The line manager should complete an Employee Change Form via [askHR](#) to ensure records are updated in preparation for the employees return.

#### Health Checks

It may be necessary for an employee to undertake health checks relating to their post when returning from a Career Break. It is advised the line manager seeks guidance in relation to this from the [Occupational Health Nurse Advisor](#), ensuring these are undertaken, where required, ahead of the confirmed return to work date.

#### GTCS AND SSSC Registration

Where GTCS or SSSC registration is required for a post, the line manager must ensure an individual still has this accreditation before approving return to work after a Career Break.

GTCS can be checked and verified by submitting a request for this information via [askHR](#), SSSC can be checked and verified by visiting the SSSC website and [searching the register](#).

If an employee decides they will not return to work following a Career Break, they should notify their line manager as soon as possible and provide the minimum contractual notice period.

The line manager should complete an Employee Leaver Form via [askHR](#).

**For further advice and guidance on any of the above, please contact [askHR](#)**

# Career Breaks

## Index of Documents

### Procedure

<b>Revision Date</b>	<b>Previous Revision Date</b>	<b>Summary of Changes</b>
10-06-2010	-	Creation of all Documents
22-10-2012	10-06-2010	General Revision
11-11-2014	22-10-2012	Update to pensions contact number
23-07-2018	11-11-2014	General Revision
17-10-2018	23-07-2018	Clarification of pension payment when an employee does not return to work. Incorporation of wording for Career Break Extension Letter.
15-08-2019	17-10-2018	Clarification on appeal process