



SOUTH LANARKSHIRE
Leisure & Culture

Career Break Policy

October 2012

SOUTH LANARKSHIRE LEISURE AND CULTURE **CAREER BREAK POLICY**

1. Policy Statement

- 1.1 South Lanarkshire Leisure and Culture values all of its employees and is committed to providing opportunities for employees to balance work and other aspects of their lives whilst enabling the Trust to retain their experience, skills and knowledge.
- 1.2 The aim of this policy is to give employees the option, subject to operational requirements, to have an unpaid employment break and return to work without affecting their continuity of employment.

2. Definition and purpose

- 2.1 A career break may be an opportunity for employees to take a period of unpaid leave from work. Career breaks could be taken, for example:
 - ◆ to concentrate on caring responsibilities;
 - ◆ to follow a period of maternity, adoption or paternity leave;
 - ◆ to undertake a course of study;
 - ◆ to undertake a public service or voluntary work;
 - ◆ to undertake a period of travel;
 - ◆ to pursue sports/hobbies.
- 2.2 Applications for career breaks will be considered by the employee's line manager, in line with operational and service requirements.
- 2.3 On their return, while reasonable efforts will be made to place the employee to a position with similar duties, it may be necessary to consider wider redeployment.
- 2.4 Requests of leave for other purposes will be dealt with as appropriate under the Scheme of special leave.

3 Who Can Apply?

- 3.1 The career break policy is available to South Lanarkshire Leisure and Culture employees who have two years continuous service.
- 3.2 Employees who are on maternity, paternity or adoption leave and meet this criteria may apply for a career break and if agreed the break can follow on directly from the end of their period of maternity, paternity or adoption leave if requested.

4 Length of Break

- 4.1 The minimum length of a career break can be between 6 months and four years (maximum), excluding statutory maternity, paternity and adoption leave.
- 4.2 In normal circumstances, an employee may have a maximum of two career breaks with a minimum of two years' service in between breaks.

5. Keeping in Touch

- 5.1 Before a career break starts, the manager and employee should agree how contact can be maintained. Contact periods can help maintain the employee's confidence, skills and knowledge and also assist in easing them back to work when appropriate.
- 5.2 Employees should provide details of permanent address/or details of how they can be contacted throughout the duration of the break. Any changes to these details must be communicated to their line manager.
- 5.3 Employees will be required to undertake a minimum period of 5 days work per year. These are known as "contact periods" and do not have to be taken as consecutive days. It may be appropriate for the employee to have more than 5 days contact periods and therefore the manager should discuss with the employee what would be deemed an appropriate amount. When agreeing the contact period(s), managers should also bear in mind the reason why the employee is having a career break e.g. if it is for care reasons, an employee may need time to make alternative care arrangements or if the employee is travelling, it may not be feasible for them to physically return for a contact period. If the latter is the case the employee and the manager should agree the best way to keep in touch.
- 5.4 If it is feasible for the employee to physically return for a contact period, they will be paid for the contact period(s) at the rate equal to the same spinal column/scale point prior to going on the career break.
- 5.5 Agree with the employee what information they would like to receive to help keep them up to date with South Lanarkshire Leisure and Culture and their Section activities. It is essential to strike a balance between the employee receiving too much and too little information. Types of information could include:-
 - "The Works" magazine
 - "What's the Buzz in the Trust" newsletter
 - Meetings/seminars/briefings
 - HR circulars/management bulletins
 - Social events

6. Implications

6.1 Conditions of Service

- 6.1.1 A career break will not be regarded as a break in service for the purposes of statutory employment provisions. However, the period of the career break will not count towards any service related benefits (see 6.1.3). For these purposes service before the career break will be aggregated with service after the career break.
- 6.1.2 The number of days the employee attends work for 'contact periods' will also be part of this service calculation.
- 6.1.3 The career break will not count:
- ◆ towards entitlement to sickness allowance or occupational sick pay;
 - ◆ towards entitlement to occupational maternity/adoption pay;
 - ◆ towards incremental progression;
 - ◆ towards the calculation of annual leave entitlement. Employees will receive any pro-rata entitlement to annual leave prior to commencing the career break. Any outstanding leave must be used **before** the commencement of the career break; or
 - ◆ as a break in service for the purposes of unfair dismissal.
- 6.1.4 Any employee starting a career break will require to make arrangements with the HR Section to continue paying any outstanding balances for example, car loan under the provision of the Trust's assisted car purchase scheme, cycle to work, child care voucher scheme, etc.
- 6.1.5 Allowances for example, first aid, telephone rental, will not be payable during a career break.
- 6.1.6 When an employee returns from their career break, while reasonable effort will be made to place the employee to a position with similar duties, it may be necessary to consider wider redeployment. It is the intention that the employee will return to the same **Resource** and to the same spinal column point, which they held prior to the career break but this cannot be guaranteed. However, consideration must be given to the reason for the career break, for example, if the employee has requested the career break to provide an extension to her maternity leave the employee will return to the same spinal column point. Managers should seek advice from the HR section

6.1.7 Employees on a career break will still be able to take advantage of some employee benefits such as employee counselling. However, they will be unable to take advantage of any scheme which requires a deduction from salary e.g. Voluntary Life Assurance Scheme, salary sacrifice. For more information about employee benefits during a career break contact the HR Section.

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

6.2 National Insurance and Benefits

6.2.1 Employees should also be aware that National Insurance contributions will cease while an employee is on a career break as a result of the employee being in a no pay situation.

6.2.2 Employees should be aware of the implications on benefits. The following issues were correct at the time of writing this policy, however legislation affecting benefits can change. Therefore it is the responsibility of employees to check with their local Benefits Agency about potential implications based on their individual circumstances at the time of applying and during their career break.

6.2.3 A career break could cause possible shortfall in a state retirement pension. However voluntary contributions can be made to protect this.

6.2.4 Further guidance on the implication(s) of a career break on state benefit entitlements can also be sought from www.directgov.gov.uk

6.3 Local Government Pension Scheme

6.3.1 Contributions to the Local Government Pension scheme will also cease while an employee is on a career break because the employee would be in no pay. However, the Strathclyde Pension Fund Office will still pay out the death in service lump sum payment to the Estate of a deceased if the employee dies during the period of the career break.

6.3.2 On return to work the employee may arrange to buy back pensionable service (up to 36 months maximum) which will mean double their normal pension contributions. An application to make this payment must be made within 30 days of returning to work at the end of the career break.

6.3.3 Employees should be aware of the effect of a career break on the accrual of their pension benefits and should contact the Strathclyde Pension Fund Office on 0845 213 0202. (www.spfo.org.uk).

7. Application Procedure

7.1 Employees should have an initial discussion with their line manager when they are considering applying for a career break.

7.2 Employees should then submit their application for a career break in writing at least 3 months prior to the proposed start date to their line manager stating the reasons and anticipated length of the career break. The career break application form STAF'44 is available on the Corporate drive or by contacting the HR Section.

7.3 When considering a career break application, managers must balance the requirements of the employee with the operational needs of the Trust.

Consideration should be given to:

- the length of time requested for the career break;
- the service delivery needs;
- can work be reallocated; and
- could temporary cover be organised or would the post require to be recruited for on a permanent basis.

The above list is not exhaustive.

7.4 The manager will forward the application form to the Area Manager for a final decision. If the Area Manager is considering refusing an application, this should be discussed with the HR Section.

7.5 Employees will be given a written response within four weeks from the receipt of the application. This will indicate whether or not the application has been approved.

7.6 If an employee is refused a career break, they will be provided with justification in writing. The employee will also be advised of their right to appeal through Stage 3 of the Grievance Procedures.

7.7 An employee may decide to take a Career Break after they have received either occupational maternity pay (OMP) or occupational adoption pay (OAP) i.e. 12 weeks at half pay. In these circumstances, if the employee either does not return to work after the Career Break or does return but terminates their employment before they have completed 3 months at work, then they will be required to repay the 12 weeks at half pay. The employee should be aware that this repayment is calculated in line with HMRC guidelines and therefore this repayment may result

in a slightly higher amount than the original payment received. If the employee has planned to take a Career Break before they have been paid 12 weeks half pay, then this payment will be held until the employee has returned to work for 3 months. For further advice contact the HR Section and/or refer to the relevant policies.

- 7.8 If the employee becomes pregnant or is to adopt a child during a career break they must notify their line manager. Employees may not be eligible for contractual 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 in the Trust's Maternity, Adoption, Paternity Leave and Pay Policy.
- 7.9 Employees who are on a career break will not normally be allowed to undertake full time employment, other than on a seasonal basis, with another employer as this would conflict with the aims and objectives of the career break policy.
- 7.10 However employees, in certain circumstances, will be allowed to undertake part-time employment with another employer as long as this does not interfere or impinge with the Trust's services.
- 7.11 Employees wishing to accept any such employment must seek approval from the General Manager.

8 Return to Work

- 8.1 If an exact date has not been agreed, employees must give three months notice confirming the proposed date of return to work after a career break.
- 8.2 Managers should recognise that circumstances can change rapidly, and should allow flexibility, in exceptional circumstances, for employees to return to work sooner than they had envisaged. Similarly, managers should also allow for employees, who may find it difficult to return at the end of their career break due to unforeseen circumstances, to apply for an extension of up to 3 months.
- 8.3 Discussion must have taken place regarding plans for returning to work. Employees should attend a meeting with their line manager about the post they are returning to and agree a planned programme of induction, training and confirming their key work objectives. The employees Performance Development Review must also be updated accordingly.