

MEETING DATE:	12 December 2013	 North Lincolnshire Clinical Commissioning Group REPORT TO THE CLINICAL COMMISSIONING GROUP GOVERNING BODY
AGENDA ITEM NUMBER:	Item 7.6	
AUTHOR:	Kerry Ryan	
JOB TITLE:	Workforce Manager	
DEPARTMENT:	North Yorkshire and Humber Commissioning Support Unit	

CAREER BREAK POLICY

PURPOSE/ACTION REQUIRED:	Decisions for Approval
CONSULTATION AND/OR INVOLVEMENT PROCESS:	All staff have had an opportunity to contribute to the development of these policies. Each policy will also be subject to approval from the Joint Trade Union Partnership Forum (JTUPF).
FREEDOM OF INFORMATION:	Public

1. PURPOSE OF THE REPORT:			
To present the following new and/or revised Workforce policy for the approval of the Governing Body;			
<ul style="list-style-type: none"> • Career Break 			
2. STRATEGIC OBJECTIVES SUPPORTED BY THIS REPORT:			
Continue to improve the quality of services			
Reduce unwarranted variations in services			
Deliver the best outcomes for every patient			
Improve patient experience			
Reduce the inequalities gap in North Lincolnshire			
3. IMPACT ON RISK ASSURANCE FRAMEWORK:			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4. IMPACT ON THE ENVIRONMENT – SUSTAINABILITY:			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
A sustainability assessment has been included within each policy. No significant impacts were recorded.			

5. LEGAL IMPLICATIONS:

Yes	x	No	
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Career Break Policy – complies with Equalities Act 2010.

6. RESOURCE IMPLICATIONS:

Yes	x	No	
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Career Break- the application of this policy may impact on staffing and the capacity of the CCG's workforce. Correct application of this policy will manage any impacts. There may be additional superannuation costs to the CCG for the first year of a career break. This is outside the control of the organisation.

7. EQUALITY IMPACT ASSESSMENT:

Yes	x	No	
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Equality Impact Assessments have been undertaken on each policy. The data used for these incorporates the full profile of the organisation, including Statutory Office Holders.

Career Break- There were not any negative impacts identified.

8. PROPOSED PUBLIC & PATIENT INVOLVEMENT AND COMMUNICATIONS:

Yes		No	x
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Patient and/or public involvement would not be required for the development of Workforce policies. It should be noted that all CCG staff have had the opportunity to be involved in and contribute to the development of each of the policies.

9. RECOMMENDATIONS:

The CCG is asked to review and approve the following policy:

Career Break Policy

This policy reflects the Career break scheme set out in the Agenda for Change Terms and Conditions of Employment. This local policy extends the scheme to all CCG employed staff and provides a local procedure for implementing and monitoring applications made. Approval from the JTUPF is still required.

Career Break Policy

Authorship:	CSU Transition HR Policy Lead adapted for local use by North Yorkshire and Humber CSU on behalf on North Lincolnshire CCG.
Committee Approved:	
Approved date:	
Review Date:	3 years
Equality Impact Assessment	Completed - Full/Completed - Screening [<i>delete as required</i>]
Sustainability Impact Assessment:	Completed
Target Audience:	
Policy Reference No:	HR05
Version Number:	1

The on-line version is the only version that is maintained. Any printed copies should, therefore, be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.

POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approved by & Date	Date on Intranet

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1. POLICY STATEMENT

- 1.1 The CCG recognises that during an employee's working life there will be times when personal commitments take priority over work. The Career Break Policy has been designed to allow employees the opportunity to take an unpaid break from their employment, of up to 5 years.

2. SCOPE

This policy applies to all staff directly employed by the CCG.

3. PRINCIPLES

- 3.1 For statutory purposes, such as calculations for relevant statutory entitlements, the period of the break will count towards continuous employment, however all contractual terms and conditions of employment with the CCG will be suspended. The period of the career break will therefore not count as service when calculating contractual entitlement to benefits such as annual leave, sick pay, contractual redundancy payments and any other benefits dependent upon length of service. There will be no entitlement to benefits, such as sick pay, during the period of the break. Please refer to the Agenda For Change Handbook for further information.

- 3.2 To qualify for a Career Break, employees must:

- have been employed by the CCG, continuously for a period of twelve months or more;
- have demonstrated a commitment to continuing their career with the CCG;
- have the approval of an appropriate authorising manager.

- 3.3 Subject to business needs, applications will normally be approved for the purpose of:

- caring for a sick or dependent relative;
- caring for children;
- extended periods of travel, or voluntary services;
- personal reasons e.g. following ill health;
- undertaking further education.

Any other reason will be considered on its merit.

- 3.4 The length of the career break will normally be for a minimum of 3 months up to a maximum of 5 years. More than one career break may be granted in the course of employment provided that the combined length of the breaks does not exceed the maximum of 5 years.

- 3.5 Managers, where appropriate, should make every opportunity to maintain contact with those staff taking career breaks. The amount and level of contact will vary depending on the length of the career break and the individual circumstances relating to the break.

- 3.6 Employees will be expected to maintain contact with their manager, and should inform the CCG of any changes to personal circumstances, i.e. change of home address.

- 3.7 Employees on a career break will not normally be allowed to undertake:

- any other paid employment with another employer during the career break except where, for example, work overseas or charitable work could broaden experience. In such circumstances written approval should be sought prior to the start of the career break.

- 3.8 Employees considering a career break should be aware of the following:

- 3.8.1 **Annual Leave** – all accrued annual leave must be taken before commencement of the career break. No payment in lieu of outstanding leave will be made, neither will any “carry over” of leave be allowed. There is no entitlement to annual leave during the career break. On return to work, entitlement to annual leave would be the same as when the break started, and the period of the career break will not count as reckonable service for leave purposes.
- 3.8.2 **Trade Union Membership** – should an individual wish to continue their trade union membership during the break, they must make their own arrangements for subscriptions to be paid.
- 3.8.3 **Pay** – on return to work, employees would resume, for pay purposes, at the same pay point which had been reached at the time the career break began, subject to restructuring or substantial organisational change. If applicable, incremental dates will be deferred accordingly, to ensure that the employee’s terms remain unchanged.
- 3.8.4 **Occupational Maternity Pay** – employees commencing a career break immediately following a period of maternity leave will be liable to repay any Occupational Maternity Pay received should they fail to return to work for a period of 3 months after the break.
- 3.8.5 **Pensions** – an employee may choose to continue making contributions to the NHS Pension Scheme during a career break. The form at Appendix 2 must be completed prior to the break to determine the employee’s option in respect of their pension. Arrangements for continuing payments must be made prior to commencement of the break.

If the employee chooses to class up to the first 2 years of the career break as pensionable service then for the first 6 months of the career break, contributions are payable, by both the employee and employer, as if the employee was at work.

An individual, who has paid contributions regularly during the first 6 months of a break, may continue to contribute to the Scheme for a further period of up to 18 months (maximum of 2 years in total). During the extended period, the employee will be responsible for paying both their own and the employer’s contributions.

Contributions will be based on the employee’s normal pensionable pay. They must continue to be paid monthly, by standing order or Direct Debit; arrears will not be allowed to accumulate.

Further advice is available from the NHS Pensions Agency.

- 3.8.6 **Long Service Award** – the term of the career break will not count towards qualifying service for the Long Service Award.
- 3.8.7 **Company Property** – prior to an employee commencing a career break, where applicable, managers must ensure that appropriate arrangements have been made in respect of company property, i.e.
- Return (or otherwise) of a lease car;
 - Return of Organisation property, such as mobile telephones, lap tops, keys, etc.
- 3.8.8 **Applying for other Positions** – when on a career break, an employee is free to apply for other positions within the CCG. However, employees should note that, should they be successful, continuation of the career break cannot be guaranteed as it will depend upon the business needs and exigencies of the service in the area in which the new post sits. It is advised that a discussion is held with the recruiting manager prior to an application being submitted.
- 3.9 All records of applications and decisions will be kept on an employee’s file, and held centrally by the Workforce Team.

- 3.10 **Organisational Change**- should organisational change, such as a significant restructure, occur whilst an employee is on a career break then attempts to contact them will be made using the contact details provided to the CCG so that communication about the change is received by them. Consultation relating to proposed changes affecting their employment will take place as appropriate and as reasonably possible.

4. EQUALITY

In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic. An Equality Impact Assessment has been undertaken (Appendix 4.)

5. SUSTAINABILITY

- 5.1 The policy has been assessed against the CCG's Sustainability themes. Please see appendix 5.

6. BRIBERY

- 6.1 Due consideration has been given to the Bribery Act 2010. Effective monitoring and review of applications made under this policy should sufficiently manage the risk of bribery in respect of Career Breaks.

7. MONITORING & REVIEW

- 7.1 This policy and procedure will be reviewed periodically by Workforce in conjunction with the Executive Team and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.
- 7.2 Applications made in line with this policy will be monitored by the CSU Workforce Team. Applications and outcomes will be recorded centrally and will be reported on. These reports will consider diversity data and where it is identified that the application of the policy is not consistent for all, appropriate action will be taken.

Part 2

1. PROCEDURE

REQUESTS

- 1.1 Employees wishing to apply for a career break should complete the application form at Appendix 1, and submit it to their manager. Both the proposed commencement date and return to work date should be included. A copy must be sent to the CSU Workforce Team.
- 1.2 Applications must be submitted to the authorising manager, at least 3 months prior to commencement of the intended break. Requests made less than 3 months before, will be considered only in exceptional circumstances. In deciding whether to support an applicant, the authorising manager should satisfy themselves that the individual has a clear commitment to continuing a career with the CCG, and that the reasons for requesting the break are valid. They must also ensure that approving the request will not cause detriment to the CCG and therefore it is likely they will need to discuss with senior leaders in the CCG.
- 1.3 Applicants will be notified in writing of the decision within 21 days of the date of submission of their application. A copy must be sent to the CSU Workforce Team.
- 1.4 The individual must also complete the form at Appendix 2 to confirm their option in respect of their pension membership during the break (see 2.8.5 above).
- 1.5 Employees may resort to the grievance procedure if a request for a break is refused.

CONFIRMING A RETURN AFTER A CAREER BREAK

- 1.6 Employees will be required to give written notification of their return to work. Where the career break is for less than a year, 2 months' notice of return is required. For breaks of longer than a year, 6 months' notice of return is required.

CHANGES TO LENGTH OF CAREER BREAK

- 1.7 Employees wishing to return earlier than originally anticipated must give 2 months' notice in writing. Employees wishing to extend the length of their career break must apply in writing, at least 2 months' before the agreed end, so that appropriate consideration can be given to an extension.
- 1.8 Where an employee returns to work within a year, they will return to the same post they held when the career break started, as far as is reasonably practicable. If this is not possible, due to restructuring etc., or if the break has been for longer than a year, then every effort will be made to find the employee a post with similar duties and responsibilities to those of the previous post held. Should it not be possible to find a suitable similar position then redundancy may be considered.
- 1.9 Employees may be required to undertake a period of training on their return to work. The content and duration will depend on the length of the break, the post, and any changes in working practices, legislation or policy.

FAILURE TO RETURN

- 1.10 If the employee fails to return to the CCG following the career break it shall be deemed that they have now resigned.

CAREER BREAK SCHEME – APPLICATION FORM

FULL NAME	CCG SERVICE AREA
PERSONAL NUMBER	START DATE WITH THE CCG

THIS FORM SHOULD BE SUBMITTED TO THE LINE MANAGER WITH A COPY TO THE CSU WORKFORCE TEAM AT LEAST 3 MONTHS BEFORE THE CAREER BREAK IS TO START

I would like my career break to start on	
I would like to return to work on	
Reason for career break	
My contact details (including phone number) during the break will be	

I wish to apply for an extended period of unpaid leave under the Career Break Scheme. I confirm that:

- I have read and fully understood the conditions detailed within the Career Break Policy;
- I will complete and submit a Career Break Financial Agreement prior to my break.

SIGNATURE OF EMPLOYEE	DATE
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To be completed by the Authorising Manager

I support / do not support this application for a career break from the CCG. I have attached a written statement outlining the reasons why this application has been accepted / rejected (delete as applicable).

SIGNATURE OF MANAGER	DATE
MANAGER'S NAME (Block letters)	

CAREER BREAK FINANCIAL AGREEMENT

FULL NAME	CCG SERVICE AREA
PERSONAL NUMBER	START DATE WITH THE CCG
START DATE OF CAREER BREAK	DATE OF RETURN TO WORK

I confirm that:

- I understand that I have the option to decide whether my career break should be pensionable for a period of up to two years;
- I understand that, should I decide that I would like my career break to be pensionable, I remain liable for monthly pension contributions for the period and that, for the first six months of the career break, I will pay my own contributions and that the CCG will continue to pay employer's contributions;
- I understand that, if I pay my contributions continuously for the first six months of the career break, I may continue to pension the break for a further period of up to 18 months. During this additional period, I will be liable to pay both my own, and the CCG's contributions;
- I understand that contributions will be based on my normal earnings;
- I agree to make monthly payments to CCG via standing order/Direct Debit.
- I understand that, if I fail to make my contributions as agreed, my pension record will be closed down at the date of the last contribution made.

Please select ONE of the following four options

Option 1	I do not wish my career break to be treated as pensionable service and understand that my pension record will be closed down at the start of my break with no contributions payable OR	
Option 2	I wish to treat up to the initial six months of my career break as pensionable and undertake to pay monthly employee contributions via standing order/Direct Debit OR	
Option 3	I wish to treat my career break as pensionable for a period of _____ months. I undertake to pay monthly employee contributions for the first six months and both employee's and employer's contributions for the remainder of the period. All contributions will be made via standing order/Direct Debit OR	
Option 4	I wish to treat my career break as pensionable for the maximum period of two years. I undertake to pay monthly employee contributions for the first six months and both employee's and employer's contributions for the remaining 18 months of the period. All contributions will be made via standing order/Direct Debit.	

SIGNATURE OF EMPLOYEE	DATE
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Workforce Procedure for Recording and Monitoring Career Break Applications

1 A copy of the Career Break Scheme Application Form (Appendix 1) is sent by the individual to the CSU Workforce Team.



2 A copy of the response letter should be provided by the manager to the CSU Workforce Team.



3 A CSU Workforce administrator will record the request and outcome. Equality and Diversity monitoring information will also be obtained from ESR and held on this record.



4 The CSU Workforce Team will contact managers to obtain details of the response if this is not provided in a timely manner.



5 Reports will be produced every six months by the CSU Workforce Team and provided to the CCG/CSU management team.

Equality Analysis Initial Assessment**1. Equality Impact Analysis: Local Profile Data****Local Profile/Demography of the Groups affected (population figures)**

This is an employment policy and therefore workforce data is more relevant to this Impact Assessment

General	Total number of employees in the North Lincs CCG 28
Age	No staff employed are under 30 14% of staff are over 55 86 % of staff are aged 30-55
Race	86% of staff employed in the CCG are White 7% of staff are Non-white 7% staff have not stated or defined their ethnicity
Sex	50% staff employed are female 50% staff employed are male
Gender reassignment	No information at this stage
Disability	7% of staff employed declared themselves as having no disability No staff declared a disability 93% did not declare /undefined
Sexual Orientation	All staff are recorded as did not wish to respond /undefined
Religion, faith and belief	All staff are recorded as did not wish to respond /undefined
Marriage and civil partnership	86% of employees are married. No employees are in a civil partnership

Pregnancy and maternity	No information yet as the CCG has not been established long enough to build meaningful data
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2. Equality Impact Analysis: Equality Data Available

<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1. Application success rates <i>Equality Groups</i> 2. Complaints by <i>Equality Groups</i> 3. Service usage and withdrawal of services by <i>Equality Groups</i> 4. Grievances or decisions upheld and dismissed by <i>Equality Groups</i> 5. <i>Previous EIAs</i> 	<p>Yes – employment profile data only – not implementation and review data</p> <p>No</p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p>
<p>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</p>	<p>Consultation has taken place both locally and nationally with Trade Unions and staff</p>
<p>Promoting Inclusivity How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</p>	<p>This Policy does not directly promote inclusivity, however it is available to all staff to access and monitoring its use will be important</p>

3. Equality Impact Analysis: Assessment Test

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Gender (Men and Women)		✓		Whilst there is no local evidence yet, it is generally the case that women are more likely to access the childcare break. This is a positive impact, however in a changing society – more men might be likely to take this up as it is open to all. 50% of the staff employed in the CCG are female
Race (All Racial Groups)	✓			
Disability (Mental and Physical)		✓		A career break may be offered to support an employee suffering a long term health condition classed as a disability or with adjusting to a new disability.
Religion or Belief		✓		A career break could be used to facilitate an employee undergoing a religious rite of passage or taking an extended faith related journey.
Sexual Orientation (Heterosexual, Homosexual and Bisexual)	✓			

Equality Impact Analysis: Assessment Test (continued)

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Pregnancy and Maternity		✓		Employees who wish to extend their leave beyond maternity leave, can use this policy
Transgender		✓		A career break may support an employee undergoing gender reassignment
Marital Status	✓			
Age		✓		The policy might normally have an impact on younger staff who may wish to take time out to travel, but not currently in this CCG where no employee is under age 30. This can potentially change. However, this should be monitored and reviewed.

4. Action Planning

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

5. Equality Impact Analysis Findings

Analysis Rating:	Red	Red/Amber	Amber	✓ Green
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SUSTAINABILITY IMPACT ASSESSMENT

Staff preparing a Policy / Board Report / Committee Report / Service Plan / Project are required to complete a Sustainability Impact Assessment. Sustainability is one of the Trust's key Strategies and the Trust has made a corporate commitment to address the environmental effects of activities across Trust services. The purpose of this Sustainability Impact Assessment is to record any positive or negative impacts that this activity is likely to have on each of the Trust's Sustainability Themes. For assistance with completing the Sustainability Impact Assessment, please refer to the instructions below.

Policy / Report / Service Plan / Project Title:				
Theme (Potential impacts of the activity)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Reduce Carbon Emission from buildings by 12.5% by 2010-11 then 30% by 2020			x	
New builds and refurbishments over £2million (capital costs) comply with BREEAM Healthcare requirements.			x	
Reduce the risk of pollution and avoid any breaches in legislation.			x	
Goods and services are procured more sustainability.			x	
Reduce carbon emissions from road vehicles.			x	
Reduce water consumption by 25% by 2020.			x	
Ensure legal compliance with waste legislation.			x	
Reduce the amount of waste produced by 5% by 2010 and by 25% by 2020			x	
Increase the amount of waste being recycled to 40%.			x	
Sustainability training and communications for employees.			x	
Partnership working with local groups and organisations to support sustainable development.			x	
Financial aspects of sustainable development are considered in line with policy requirements and commitments.			x	