

COMMITTEE Finance, Policy and Resource

DATE 20 September 2016

DIRECTOR Richard Ellis

TITLE OF REPORT Career Break Policy

REPORT NUMBER CG16/075

CHECKLIST COMPLETED Yes

1. PURPOSE OF REPORT

The purpose of this report is to seek approval for the implementation of a revised Career Break Policy.

2. RECOMMENDATION(S)

The Committee is requested to:

- a) Approve the revised Career Break Policy, as attached, to replace the existing policy.

3. FINANCIAL IMPLICATIONS

There are no financial implications in relation to the revision of this policy.

4. OTHER IMPLICATIONS

As it is proposed to reduce the service criterion for a career break from 5 to 2 years' continuous service, this may result in more employees applying for and being granted a career break. This may therefore result in Services having to undertake increased recruitment to backfill posts on a fixed term basis for the period of career breaks.

5. BACKGROUND/MAIN ISSUES

The Career Break policy was due a review under the rolling HR programme of policy reviews. The policy allows an employee to apply for an extended period of unpaid leave for a variety of reasons, as detailed in the policy, subject to meeting eligibility criteria.

As part of the review, benchmarking was undertaken with other organisations, appropriate employee engagement carried out and a check undertaken on any legislative issues affecting career breaks.

From the review the changes proposed to the policy are as follows:-

- Qualifying service for a career break reduces from 5 years to 2 years' continuous service. This aligns with the service criterion in the teachers' policy and is considered to be a more appropriate service criterion allowing more Council employees to potentially qualify.
- The minimum duration for a career break remains at 6 months but a maximum duration of 2 years is introduced with the potential for longer in exceptional circumstances with Head of Service approval. There had been no maximum in the existing policy. The setting of a maximum duration therefore provides more clarity to Services and employees on the permitted length of a career break.
- Example reasons for why an employee may request a career break are now included to provide managers and employees with details of the main reasons for a career break. This should assist with the assessment of requests and help to manage employee expectations.
- The position on undertaking other paid employment during a career break has been amended with it specified that a career break will not normally be approved for that purpose. However, any such wish to do paid work during a career break must be requested and approved in advance by the Head of Service. This will provide greater clarity to employees and managers on this point.
- It is specified that where an application is refused the employee will normally need to wait 12 months until they can make a further application, however, this may be lifted in cases of caring responsibilities. This should help Services to manage requests for career breaks from employees.
- There has been removal of the need for the Head of HR to give approval for a career break and instead HR input is given at Business Partner team level. The final service decision continues to rest with the Head of Service to ensure the business impact of the request is suitably considered. This should allow quicker decision making in relation to requests.
- There will now be an electronic process for applying for and approving a career break through the use of YourHR. This should make the process more efficient and cut down on administration.
- There has been the inclusion of a 'general information' section providing additional details and clarity on terms and conditions of employment, pensions, salary sacrifice, maternity/adoption leave, keeping in contact, extension or reduction of a career break and returning to work. This will mean that fuller information is given to employees and managers on associated issues regarding career breaks.

6. IMPACT

Improving Customer Experience –

The revisions to the policy should make it clearer to employees and managers what the terms and conditions are in respect of career breaks helping to ensure that they are used in appropriate circumstances. Being a family friendly and work/life balance provision this should help to contribute towards staff recruitment and retention, which in turn should help improve the customer experience.

Improving Staff Experience –

The revisions to the policy, which make it clearer to employees and managers what the terms and conditions are in respect of career breaks, should help to improve the staff experience through providing a family friendly and work/life balance employment provision which more closely meets employee needs but at the same time helping to ensure business efficiency. It may also result in an increase in career breaks which in turn could provide opportunities for more temporary promotions and development of staff and hence improved employee engagement.

Improving our use of Resources –

The revisions to the policy should help to improve the use of Council resources through having a provision in place that takes account of both employee and Council needs. This should assist with recruitment and retention and with the Council's aim of being an employer of choice. It may also indirectly assist with the control of employment costs. The inclusion of an electronic process using Your HR will help to make the application and approval process of a career break more efficient.

Corporate –

This policy review links to the HR service plan which contains a rolling programme of HR policy reviews.

Public –

It is not expected that this report will be of interest to the public as it concerns a specific HR policy that will solely affect employees and managers in the organisation. An Equality and Human Rights Impact Assessment has been compiled and has not identified any negative implications.

7. MANAGEMENT OF RISK

The only risk identified is in relation to the proposal to reduce the service criterion for a career break from 5 to 2 years' continuous service. This may result in more employees applying for and being granted a career break and could mean that Services have to undertake increased recruitment to backfill posts on a fixed term basis for the period of career breaks. The granting of a career break is, however, dependent on the needs of the service with each application considered on the merits of the case. This should therefore act as a safeguard against there being a significant increase in cases at any one time.

8. BACKGROUND PAPERS

<http://www.acas.org.uk>

<https://www.gov.uk/career-breaks>

9. REPORT AUTHOR DETAILS

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CAREER BREAK

POLICY

APPROVED XXXX 2016

Contents

Section 1: Introduction

- Context
- Policy statement

Section 2: Scope and Core Principles

- Scope
- Core principles

Section 3: General Information

- Applying for a Career Break
- Terms and Conditions of Employment
- Pensions
- Salary Sacrifice
- Maternity/Adoption/Shared Parental Leave and Career Breaks
- Keeping in Contact
- Extension or Reduction of a Career Break
- Returning to Work

Section 4: Review of the Policy

SECTION 1: INTRODUCTION

Context

It is expected that this Career Break policy will assist with employee engagement and wellbeing and generally improve the staff experience. It should also help the Council with recruitment and retention and its aim of being an employer of choice. This in turn should help improve the customer experience and assist in the effective use of resources.

Policy statement

The Council recognises the difficulties that individuals may have in balancing their working life with their out of work commitments and is therefore committed to developing policies to support the principle of work life balance and to provide a working environment which values and nurtures a diverse workforce

The Council accepts that employees' circumstances change for a variety of reasons and may result in their requesting a period of extended leave from the workplace. Any such requests received should be dealt with under this Career Break policy.

SECTION 2: SCOPE AND CORE PRINCIPLES

Scope

This policy applies to all employees of the Council who have at least 2 years' continuous service, excluding teachers and other employees under SNCT terms and conditions, who have a separate provision in the SNCT agreement.

Core principles

- A career break is an opportunity for an employee to take a period of extended unpaid leave, which could be for a variety of reasons, including:
 - To care for young children, elderly relatives or dependants
 - Following a period of maternity, adoption or paternity leave
 - To undertake a course of study or personal development
 - To undertake voluntary work
 - To travel abroad
 - Personal circumstances
- An employee's entitlement to apply for a career break is dependent on their length of service **with Aberdeen City Council**. In cases where the employee has less than 2 years' continuous service, the Head of Service has discretion to consider applying the policy's provisions in exceptional circumstances i.e. caring for someone who has fallen seriously ill.
- An employee will not normally be permitted a career break for the purpose of taking up alternative paid employment. Employees wishing to undertake any other paid employment on a career break must seek advance written approval from their Head of Service. Consent will be at the discretion of the Council.
- The minimum period for which an employee can request a career break is 6 months, up to a maximum of 2 years. In exceptional circumstances a longer duration may be approved by the Head of Service.
- The granting of a career break will be dependent on the needs of the service at the time in question, with each application considered on the merits of the individual case. The final decision on any application will be at the discretion of the Council.

- In considering the application, the service will be required to determine how the role/duties of the post are to be covered during the break e.g. backfill, agency working etc.
- A minimum of 2 months' formal notice should be given for any career break application.
- Employees will normally be entitled to one career break in the course of their employment. However, discretion to grant further career breaks in exceptional circumstances may be permitted.
- Employees will be required to agree their intended date of return prior to the commencement of the career break. Any change to the agreed date will be subject to the discretion of the Head of Service.
- Employees will be expected to take all outstanding holidays prior to the commencement of a career break of 1 year or more.
- Where appropriate informal contact should be maintained between the employee and the line manager during the career break.
- Employees will be entitled to return to the post they held before their career break, however, should this not be practicable due to exceptional circumstances (e.g. redundancy, re-organisation) the employee will be placed on the redeployment register and offered a suitable alternative vacancy with comparable duties, terms and conditions, pay and location where such a vacancy exists.
- For contractual purposes, a career break will be treated as a "temporary suspension of contract" during which the normal contractual benefits such as pay and other allowances will not apply.

SECTION 3: GENERAL INFORMATION

Applying for a Career Break

To apply for a career break an employee should log into YourHR and click on the 'Your Leave' section. Under 'Apply for it' select 'Special Leave' and then select 'Career Break' from the drop down list and complete the information requested (i.e. dates, reason). The line manager will be notified electronically of the request and will discuss this with the employee. The line manager, will accept or decline the request providing comment, following which it will be escalated to the Head of Service for final consideration and decision. HR advice should be sought from HR Business Services. The employee will be notified electronically of the decision, and where approved will receive a confirmation letter outlining the conditions of the career break.

If the employee does not have access directly to YourHR then the employee should first discuss the request with their line manager and arrangements will be made to submit a request on the employee's behalf using YourHR. A decision will subsequently be made as outlined above.

To enter special leave on behalf of an employee, the line manager should log into YourHR and click on the 'Your Leave' section. Under 'Leave toolkit', select 'Enter Leave Record', select the employee, choose 'Special Leave' and then Career Break from the drop down list and enter the information requested.

If the application is refused, the employee will be advised as to the grounds for refusal. An employee will normally have to wait 12 months from the date of the last application before applying again. If the employee can show, however, that there has been a substantial change to personal circumstances, and in particular caring responsibilities where this is the purpose for the career break, that 12 month restriction may be lifted.

If the employee is dissatisfied with the decision made in respect their application, then they may raise a grievance in accordance with the Council's Managing Grievances Policy.

Terms and Conditions of Employment

For contractual purposes, the period of the career break will be treated as a "temporary suspension of contract" during which the normal contractual benefits will not apply (for example pay and other allowances). These will resume again at the stage they were prior to the career break when the employee returns to work.

The period of a career break will not count towards continuous service. The break itself will not constitute a break in continuity of service, instead continuity will resume when the employee returns to work.

There will be no entitlement to incremental progression of pay during the career break and therefore the employee will return to the same grade and salary point as they left.

Annual leave will not accrue during a career break. The employee will retain the right to the amount of annual leave entitlement in place at the commencement of the career break, on their return to work. Thereafter, annual leave entitlement will accrue in line with conditions of service.

During the career break, the employee remains a Council employee and subject to any relevant Council codes of conduct. Where it is identified that the employee is engaging in activities inconsistent with the terms on which the career break was originally approved, or which potentially have a direct impact on continued future employment, the Head of Service will determine appropriate action to be taken. This may include terminating the career break and/or disciplinary investigation.

Pensions

Whilst on a career break, neither the employee nor the Council will pay pension contributions. As such the employee will not build up pension during this period.

In accordance with the Local Government Pension Scheme provisions, when the employee returns to work, if they would like to buy the pension “lost” while on no pay during their career break they can do so through an Additional Pension Contribution (APC) contract. The cost of the APC contract can be split between the employee and employer provided they elect to buy the lost pension within 30 days of returning from leave of absence. This is known as a Shared Cost APC and the employer pays 2/3rd of the cost while the employee pays 1/3rd.

If the employee elects after the 30 day period, they will need to meet the full cost of the APC contract. APCs can be paid over a period of time or as a one off lump sum.

To investigate a Shared Cost APC contract an application form is required to be completed by the employee which can be obtained at www.nespf.org.uk.

Salary Sacrifice

Employees who participate in any salary sacrifice scheme(s), e.g. childcare vouchers, cycle scheme or car leasing, that relies on salary deductions should contact the Employee Benefits Team to discuss the impact of the career break on agreed payments. The employee will normally be required to repay any outstanding balance before commencing their career break.

Maternity/Adoption/Shared Parental Leave and Career Breaks

A career break may be taken immediately after a period of maternity, adoption or shared parental leave where the employee meets the qualifying criteria. The employee will be required to take any annual leave accrued during the maternity, adoption or shared parental leave period immediately prior to commencing the career break. The career break will thereby commence on the date immediately following any such period of annual leave, where so requested.

If the employee has received 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, shared parental leave or at the end of the career break which follows immediately after, they will be required to pay back the 12 weeks at 50% of normal pay.

Keeping in Contact

Prior to commencement of a career break the employee is responsible for discussing and agreeing with their line manager the level of contact and preferred methods of communication to be used. The level of contact and information needs will vary in each individual case and consideration will need to be given to the purpose of the break. The employee is obliged to provide their line manager with appropriate contact details and inform of any changes during the break.

Extension or Reduction of a Career Break

It is recognised that an individual's circumstances can change rapidly, and in exceptional circumstances, there may be a need for flexibility to allow for employees to return to work earlier than planned. It may, however, not be operationally feasible for managers to accommodate an employee returning to work early and employees should be aware that there is no automatic right to return early.

An employee can apply for an extension to their career break, with the proviso that the cumulative total of the time already approved together with the extension period does not exceed the normal 2 year limit. The Council is not obliged to grant the extension.

In applying for an extension or an early return, the employee must provide a minimum 2 months' written notice to the Head of Service.

Returning to Work

The line manager will help make the employee's return to work as smooth as possible, and a meeting should be held to discuss:

- organisational changes
- re-training/refresher training
- any skills, qualifications or experience gained during the career break of relevance to the post held
- any other relevant issues

If the employee decides not to return from their career break they will be required to resign in accordance with their contract of employment.

If at the end of the agreed career break period, the employee fails to return and has not provided written notice of their resignation, the provisions of the career break policy will no longer apply and consequently the employee will lose the right to a guaranteed return to work and the contract of employment will be terminated. Advice should be sought from the HR Service.

SECTION 4: REVIEW OF THE POLICY

HR and Customer Service will review this policy every 3 years. It will, nevertheless, be subject to continual review and amendment in light of experience of its operation, employment best practice and statutory requirements. Changes will only be made following normal consultation arrangements.