

To: **The Chair of the Probation Board
The Chief Officer of the Probation Board
(Copy enclosed for the Head of Human Resources)
The Secretary of the Probation Board
Members of the NNC**

18 March 2008

NNC CIRCULAR NO. 3/2008

Dear Sir/Madam

NNC MODEL CAREER BREAK POLICY

We are writing to advise that the attached model Career Break Policy has been agreed by the National Negotiating Council for the Probation Service.

The NNC views providing the opportunity for staff to apply for a career break as an important part of the Service's continuing commitment to work life balance. Also attached as appendices to the policy is model documentation which it is hoped will facilitate the introduction of a Career Break Scheme in Boards where this provision does not currently exist.

It is recommended that joint discussions now take place at local level with recognised trade unions to review existing or agree new arrangements.

Any queries on the model policy should be addressed to either the Joint Secretaries or to Nick Jones, NOMS PACU HR.

Yours faithfully

**Christine Lawrie
Judy McKnight**

Joint Secretaries

NNC MODEL CAREER BREAK POLICY

Introduction

1. This policy has been written with a view to avoiding any adverse impact it may have on any individual by reason of their ethnic origin (in accordance with the Race Relations (Amendment) Act 2000), disability, gender, sexual orientation, age, belief, marital status, caring responsibilities or chosen working pattern. It is not believed that this policy will have any such adverse impact on workers for any of these reasons. Future reviews of this policy will revisit this evaluation, and it may become subject to a full Impact Assessment examining workforce data and compliance information.
2. The [] Probation Board values its employees and seeks to retain them but also recognises that at various stages during an individual's working life, domestic, community, educational and other public service commitments could affect her or his ability to fulfil work responsibilities. The [] Probation Board recognises these potential pressures and is therefore committed to providing opportunities for employees to balance work and other aspects of their lives.
3. The following scheme has been agreed by the NNC and in common with other NNC model policies should be the subject of discussion between individual Boards and recognised trade unions with a view to reaching local agreement.

Review

4. This scheme will be regularly reviewed by the Joint Negotiating and Consultative Committee of the [] Probation Board in accordance with its equal opportunities monitoring procedure.
5. This scheme will also be subject to regular review by the NNC. Any comments about this policy may be forwarded to the NNC Joint Secretaries for consideration at any time.

Policy

6. It is the [] Probation Board's policy that no employee should be treated less favourably as a result of taking a career break. In this respect it will:
 - provide continuity of employment during the career break but with the suspension of certain contractual provisions

- arrange for the employee to return to the job in which s/he was employed under her/his original contract of employment or to a suitable alternative vacancy on terms and conditions not substantially less favourable than those which would have applied had s/he been able to return to the job in which s/he was originally employed
 - maintain contact during the career break and provide appropriate refresher training on return. It is expected that maintaining contact is an equal obligation on the individual.
7. The introduction of career breaks does not affect the arrangements for short periods of special leave (paid or unpaid) to enable staff to deal with domestic problems.

Scope

8. This scheme applies to all employees of the [] Probation Board who are covered by NNC arrangements.

Length of Career Break

Unpaid leave of one to five years (career breaks)

9. The Career Break Scheme is available to employees who wish to take unpaid leave for a continuous period of one to five years. A member of staff may apply for more than one career break during her or his service provided that the combined lengths of the breaks do not exceed the maximum limit of five years.

Eligibility

10. An employee of the [] Probation Board will be eligible to apply for a career break provided that:
- S/he has been employed by the [] Probation Board for a continuous period of five years at the date of application
 - S/he has a satisfactory health, attendance, performance and conduct record (but difficulties relating to family illness and commitments may be taken into account)
 - The line manager is satisfied that s/he intends to resume her/his career within the next five years.

AND

- a minimum period of three months' notice is given;
- there are no disciplinary, capability or complaint matters outstanding against the applicant;
- there are no known outstanding work commitments which would affect the preferred date of commencement.

11. The application is likely to fall into one of the following categories but a Board may grant a Career Break for some other reason should it so decide:
- It immediately follows a period of unpaid maternity leave
 - Caring for dependents
 - Studying for a degree or qualification
 - For approved Voluntary Service

Procedure

12. All applications for a career break should be made in writing to the individual's line manager (form attached at Appendix A). An initial meeting should be held with line management before a recommendation is made about whether or not to approve the request. In particular, line managers should ensure that the applicant fully meets the criteria listed above. The final decision for approving career breaks will rest with [].
13. In normal circumstances a decision on the application must be made within 28 days of receipt of the application.
14. The application will be forwarded to [] through the HR Department who will attach a note of any other relevant details to ensure that all applications are treated consistently and fairly. Every effort will be made to consider and decide applications within three months of the request being made.
15. The commencement and return dates must be approved before the period of the Career Break commences.
16. Once the career break has been approved, HR will confirm the terms and conditions of the break in writing.

Application for a career break following maternity leave

17. An individual can apply for a career break to follow on immediately from a period of unpaid maternity leave. If a career break does follow on immediately (at which point it is expected that any entitlement to unpaid maternity leave has been exhausted) the individual will not be expected to repay any enhanced maternity payments which may have been received. The individual will only be required to return these payments if she resigns at anytime during the career break or fails to return for a minimum of twelve weeks at the end of the break.

Terms and Conditions

18. Any member of staff applying for a career break should be aware of the following:

- During a career break individuals will continue to be contractually bound as employees of the [] Probation Board, including matters of conduct, secondary employment, and non-disclosure of confidential information. It is also important that any changes in personal circumstances, involvement in legal proceedings or criminal convictions are reported in the usual way as required by the [] Probation Board.
- The career break period does not qualify as reckonable service for pension or for incremental purposes. A 'stop the clock' principle is operated such that although the career break does not accrue benefits, those already accumulated are preserved and built upon when the individual returns to work. Before applying for a career break, individuals should seek advice as appropriate to determine the effect that the proposed change will have on their pay, pension, National Insurance contributions and other benefits.
- When an application to take a career break has been agreed, the annual leave entitlement for the period of the annual leave year while the individual is at work will be recalculated pro rata to the full year allowance. Any outstanding leave entitlement must be used before the career break commences. The same calculation will be used when the individual returns to work.
- It is not expected that a career break will be approved for individuals who have exceeded their leave entitlement for the appropriate period.
- During a career break, the individual is not entitled to any paid holiday or sick pay.
- career break periods do not count towards re-qualifying for paid sickness absence once the employee is back at work.
- time spent on a career break will count only for the purposes of continuous service in respect of calculating those benefits which are determined by length of service.

Outstanding advances of salary/loans

19. A condition of granting a career break will be that any outstanding amount of advances of salary or loans made e.g. season ticket advance, car purchase loan must be repaid before the commencement of the career break.

Essential Car User Allowance

20. The lump sum allowance will be suspended during a career break.

Lease car users

21. Employees who have lease cars have the choice of either terminating the lease early, in which case a termination fee will be charged, or to pay increased payments up to the total cost of the lease car agreement. It is essential that where an employee is considering a career break, the matter is discussed with the appropriate Finance or HR manager to clarify the position.

Employment during a career break

22. Individuals will not be permitted to take a career break simply to take up alternative employment. However, individuals who need to obtain employment to support themselves financially may do so but on a casual basis only. Any employment undertaken during a career break must be authorised by the Board before employment commences. Specifically, any employment in any capacity within the National Probation Service is not appropriate for individuals on a career break.

Pregnancy during a career break or period of extended unpaid leave

23. If the individual becomes pregnant during a career break she must notify her line manager. Staff on career breaks who become pregnant are not eligible for contractual paid maternity leave but may qualify for statutory benefits. The normal statutory notification procedure must be observed and it may be that the entitlement in practice may be nil (i.e. where weekly earnings in the 8 week period up to and including the qualifying week do not meet the required threshold).

Statutory leave and pay entitlements

24. As the primary reason for the absence is a career break, the above entitlements do not apply.

Applications for transfer or promotion during a career break

25. Individuals are entitled to apply for any published vacancies, either on promotion or as a sideways move, within the area. Any such application will be subject to the normal internal recruitment and selection procedures. If appointed, the career break will come to an end.

Keeping in touch

26. The onus for keeping in touch during the course of a career break rests as much with the individual as with the organisation. The appropriate HR Manager will be responsible for co-ordinating the arrangements to distribute information about the Service to every individual who is on a career break.
27. Before starting leave individuals must register a permanent address or provide some person or agency through which they can be contacted throughout the duration of the break.
28. Individuals on a career break may be invited, or in certain circumstances required, to attend training days. Payment will be made at the individual's existing salary point. Refusal to undertake such training without good reason may lead to termination of the career break by the [] Probation Board.
29. If an individual fails to keep in touch with her/his manager or with HR during a career break without providing sufficient reason, the individual will be notified that her/his continued employment is at risk.
30. If an individual fails to return at the end of a career break without informing the line manager or HR, the Board will take reasonable steps to notify the individual in advance of an effective date of dismissal and the individual will be invited to make contact with her/his line manager in advance of that dismissal taking effect.

Return to work

31. Three months before the agreed date of return the individual should contact the appropriate manager to discuss her/his return to work. On return it may not be possible for an individual to return to the job which they previously held. Every effort will be made to find a similar job. If this is not possible, s/he may be required to take up an alternative job at the same substantive rate of pay and with the same terms and conditions, on a mark-time basis, until a suitable job becomes available.
32. Employees may be required to work at a different location upon return to work although the usual considerations in respect of the suitability of the location and the individual's preferences will apply. In such circumstances the employee will not be entitled automatically to claim removal or relocation expenses.

33. If an individual is unable to return to work on the agreed date, the Head of HR must be notified immediately. A career break will not normally be extended but where exceptional circumstances exist the application will be considered on its merits.
34. Employees will be required to complete a health assessment questionnaire prior to her/his return to work.
35. Prior to the employee's return to work, the line manager will draw up an appropriate induction and training plan.

Early return to work

36. An individual who wishes to return earlier than the agreed date may do so provided at least three months' notice is given **and** a suitable job is available. No guarantee can be given that the individual will be allowed to return to work before the end of the agreed break.

General

37. It should be noted that unless otherwise stated the principles and procedures contained within this document are not entitlements and may only be granted at the discretion of line management and then within the limits specified.
38. The number of employees permitted to participate in this scheme at any one time will be at the discretion of the Chief Officer or designated senior manager who will take account of such factors as organisational need, and the potential difficulty in replacing specialist skills. In this context there may be a limit to the number of employees who can be permitted to be away from the organisation on career breaks at any one time. Applications will be refused once these limits are reached.
39. It is important that all records are maintained, both locally and within HR, of all applications for unpaid special leave or career breaks. The appropriate record must be attached to the personal file.

Appeal

40. If it is not possible to agree an application for career break, clear reasons will be provided and these will be discussed with the individual. Alternative ways of meeting the individual's needs will also be considered if at all possible.
41. If the applicant is not satisfied with the decision, s/he should initially attempt to resolve any difficulties with her/his line manager in consultation with HR.

42. In the event that the individual remains dissatisfied with the decision, a grievance should be registered in accordance with existing procedure.

Appendix A

Career Break Application Form

Name: Job Title:

.....

Unit: Contact No:

Home Address:

.....

.....

...

Work Telephone No:

Home Telephone No:

Your Career Break:

I would like my career break to commence on:

.....Date

and I shall return to work on:

Date

Reason For Career Break:

Please give full reasons why you are applying for a career break:

Please detail the other options you have explored as an alternative to a career break and say why these are unsuitable:

I confirm that I have read the document entitled 'Career Break Policy' and understand that acceptance of my application will lead to a change in the terms and conditions of my contract of employment.

I confirm that I have considered the effect of this request on:

- my pay;
- my tax and National Insurance Contributions;
- my pension;
- my holiday entitlement and other statutory and contractual benefits.

I understand that I will be expected to keep in touch by maintaining contact with my line manager and/or nominated HR contact.

I understand that I may be invited, or in certain circumstances required, to attend training days while on my career break for which I will be paid at the existing salary point. I also understand that refusal to undertake such training without good reason may lead to termination of the career break by the [] Probation Board.

*** For Applicants for Career Breaks Immediately Following Unpaid Maternity Leave only:**

I understand that you expect me to return to work for [] Probation Board at the end of my career break to complete a minimum of three months' paid employment.

I undertake to pay back, if asked, any salary or wages you pay me for my maternity leave (excluding any Statutory Maternity Pay) if I do not return to work as expected for the required period.

I declare that the information I have given is correct and complete.

Signed: Date:
.....

One copy of this form should be given to your line manager and one forwarded by you to Human Resources for information.

Please note that this application and all associated correspondence will be kept on your personal file and only used in accordance with the provisions of the Data Protection Act 1998.

Before completing this form you may wish to consult Human Resources and/or your trade union representative as acceptance of your application will result in changes to your contract of employment.

Manager's Recommendation:

I met [] on [] to discuss this application for a career break.

My comments on the suitability of the applicant for the scheme are as follows:

* I confirm that [] meets all the eligibility criteria for the scheme and recommend that the application be approved. **OR**

*I confirm that [] does not meet the eligibility criteria for the scheme as

follows:

.....
.....
.....

I therefore recommend that the application be refused. **OR**

*I confirm that [] meets all the eligibility criteria.

- For the following reasons I cannot agree the application [specify reason why application cannot be agreed].
- I discussed with [] alternative ways of meeting [her/his] needs. These were:
- At the meeting on [] we did discuss alternative solutions, none of which were found to be acceptable to both the organisation and [].

** Please delete as appropriate*

Line Manager's Name:Job Title:
.....

Contact No:

Signed: Date:
.....

Completed form to be forward to [name of CO or designated senior manager] through HR.

Appendix B

Career Break Agreement Letter

(to be signed by decision maker).

To be completed within 28 days of receipt of the application and following consultation with HR.

Dear

Application for Career Break

I am pleased to confirm that your application for a career break has been agreed. [HR] will be writing to you formally to vary your contract of employment within ten working days.

Yours sincerely

One copy of this letter should be given to the employee and the line manager, and one should be forwarded to Human Resources with a covering note requesting that the formal paperwork be completed.

Appendix C

Model Temporary Variation of Contract Letter

Dear

Career Break

I am pleased to confirm formally that your application for a career break has been approved as follows:

Date of commencement of Career Break:

.....

Date of return from Career Break:

.....

Please note the following:

1. You agree to be bound by the provisions of the [] Probation Board's Career Break Scheme at present in force.
2. Your entitlement to pay and other benefits as appropriate and in accordance with the terms and conditions of the [] Probation Board's Career Break Scheme at present in force will be suspended during the period of the Career Break.
3. You agree to notify your manager, in writing, at least three months in advance of your date of return if it is proposed to be earlier than that originally agreed. Whilst the Board will make all reasonable efforts to accommodate your early return, if requested, you acknowledge that this is at the discretion of the employer and that you may have to defer return to the original date or another mutually agreed date.
4. Should you wish to extend the period of your Career Break you will notify your manager, in writing, at least three months before the break is due to expire. You understand that any such request will be considered depending on the individual circumstances and organisational needs.
5. You accept that you may be required to undertake training whilst on the Career Break, being given at least one month's notice, for which payment will be made. You also agree to keep up-to-date with current working practices.
6. You accept that you may be required to undertake appropriate training on re-entry to the Area.

7. You agree not to take any other paid employment except on a casual basis and without the express permission of [] Probation Board prior to commencing any such employment. You understand that any employment within the National Probation Service is not appropriate for individuals on a career break.
8. You understand that, with the exception of statutory maternity leave and pay, you are not entitled to statutory leave and pay rights, the purpose of which requires you to be absent from work by reason of that express purpose.
9. You have investigated and understand the consequences of a career break for pension and/or National Insurance contributions purposes prior to commencement of your career break.
10. You understand that should you be required to work at a different location upon your return to work, you will not be entitled to claim any removal and relocation expenses.

HR to add paragraph to include:

Calculation of pro rata annual leave entitlement to be used before commencement of career break; confirm arrangements for paying off season ticket loan etc and any other pay arrangements; name of nominated HR contact; etc.

Please sign and return one copy of this letter to me. You should keep the other copy with your contract of employment as it constitutes a variation of the terms of your contract. I am also enclosing a 'Keeping in Touch' form for your completion, signature and return.

It only remains for me to wish you well for your career break.

Yours sincerely

To be returned to:

.....

I hereby confirm that I have read, understood and accepted the contents of this letter. I have retained a copy for my records.

Name:

.....

Signature:

Date:

Appendix D

Career Break Rejection Letter

(to be signed by decision maker)

To be completed within 28 days of receipt of the application and following consultation with HR.

Dear

Application for Career Break

Following receipt of your application and your meeting of [] with [], I have considered your application for a career break.

I am sorry but I am unable to agree your request for the following reason(s):

.....
.....

OR

I am sorry but I am unable to agree your request for the following reason(s):

.....
.....
.....

(Include the detail of alternatives discussed at the meeting and why they are also inappropriate).

However, we discussed the alternative of [] and I am happy to agree that we proceed with that proposal.

* * * * *

I know you will be disappointed with this decision. In accordance with the provisions of the scheme, I am happy to discuss the reasons in further detail if that would be helpful to you. Thereafter, if you remain dissatisfied with the decision, you have the right to register a grievance in the normal way.

Yours sincerely

One copy of this letter should be given to the employee, the line manager and Human Resources.

