

Career Break Policy and Procedure

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Career Break

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Document Control Sheet

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POLICY

1.0 Application of Policy

The Board has a wide range of policies which may apply to different categories of people.

The application of this policy only applies to employees of the Probation Board for Northern Ireland.

An employee is any person under a current contract of employment with PBNI, including fixed term contracts.

2.0 Introduction

The Probation Board for Northern Ireland (PBNI) 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 PBNI recognises these potential pressures and is therefore committed to providing opportunities for employees to balance work and other aspects of their lives.

A career break is an extended period of unpaid leave which is available for approved purposes and subject to specific conditions. It offers an opportunity to take an extended period away from work which exceeds that offered by normal leave arrangements or other options.

The granting of a career break is however a discretionary matter and not an entitlement. Each application will therefore be considered on its own individual merits and in light of the circumstances which prevail within the applicant's team or the organisation at the time of application.

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. Career breaks may therefore be refused or delayed where there are overriding business considerations.

3.0 Aim of the Policy

The aim of this policy and procedure is to inform staff and Managers of when career breaks may be appropriate, the normal terms and conditions applying to such breaks, and to provide a consistent and equitable approach to the management of career breaks.

4.0 Purpose

A career break may be granted for most purposes including

- further education
- domestic responsibilities
- starting a business
- maintaining a family business
- to work outside Northern Ireland

A career break will not be granted for the purpose of taking up alternative salaried or wage earning employment within Northern Ireland unless the prior written approval of the PBNI has been obtained. Such approval will only be granted in exceptional circumstances. If you are on a career break you are permitted to take up employment during your leisure time.

If you are granted a career break for the purpose of further education you will be permitted to take up salaried or wage earning employment on a casual basis during holidays, and so on or to work during a student placement.

5.0 Other Circumstances

A career break may not be an appropriate response to all requests from employees for extended time off work. This policy should therefore be read in conjunction with PBNI's

- Special Leave Guidance
- Annual Leave Guidance
- Family Friendly Policy Booklet
- Flexible Working Policy and Procedure

6.0 Length of Career Break

Career Breaks may be granted for a period ranging from one year to a maximum of five years. An extension may be granted to the original duration of a career break provided the duration does not exceed five years in total.

However, in considering career break applications and extension requests, PBNI must take into account continuity of service delivery, organisational needs and workforce planning. This means that in some circumstances extensions may not be granted.

Therefore, from the outset, employees should ideally apply for the maximum amount of career break they expect to require, without the necessity of having to request an extension. For example if it is known that a three year career break is necessary, staff should make a career break application for the three year period rather than applying for two years and subsequently requesting an extension.

Employees may apply for more than one career break during the course of their employment provided that service between career breaks is not less than two years and that the combined total does not exceed five years.

7.0 Eligibility

Employees will be eligible to apply for a career break if the following criteria are met:

- They have been employed by the PBNI for a continuous period of 2 years at the date of application
- They have a satisfactory record of attendance, performance and conduct
- 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
- Ideally 6 months' notice should be given to enable sufficient time for planning a replacement, if appropriate, or to review alternatives.

It is recognized that there may be exceptional cases where the 6 month timescale cannot be met and, in such circumstances, notice should be given as soon as possible and no less than 3 months' from the prospective start date of the career break.

Where the member of staff is on maternity leave, the application should be submitted as soon as practicable but at least 3 months prior to the end of maternity leave.

8.0 Linkages

This policy also links with the following

Special Leave Guidance
Annual Leave Guidance
Family Friendly Policy Booklet
Flexible Working Policy and Procedure
Workforce Planning Group Guidelines

9.0 Review

This Policy will be reviewed four years from date of approval. Interim reviews may also be prompted by feedback, and/ or identified changes in practice.

PROCEDURE

10.0 Applying for a Career Break

If considering a career break employees are encouraged to engage in informal open and transparent discussions with their Line Manager as early as possible in their deliberations.

When a member of staff has made a definitive decision to apply for a career break he/she should ideally provide 6 months' notice of the proposed start date of the career break.

It is recognized that there may be exceptional cases where the 6 month timescale cannot be met and, in such circumstances, notice should be given as soon as possible and no less than 3 months' from the prospective start date of the career break.

Employees requesting a career break should complete the Career Break Application Form (Appendix 1) ensuring they meet the eligibility requirements and timescale. Sufficient information should be provided on the application to enable full consideration and an appropriate decision to be made. The application should be forwarded to the Line Manager.

11.0 Consideration of a Career Break Application

11.1 Line Manager Considerations

- a. The Line Manager will arrange to meet with the employee within 14 days of receipt of the application to discuss in more detail. Staff should recognise the demands of service provision and be prepared to constructively discuss alternatives or changes to their plans in order to balance their own wishes with the needs of the service.
- b. Each application will be considered on its merits but the following should form part of the considerations:
 - The purpose of the application
 - Service pressures and how the career break may affect these
 - Flexibility or alternative options discussed which would enable the career break to take place, for example, an agreed later start date.
 - Ability to reorganise work among existing staff without requirement for backfill.
 - The need to retain key skills, knowledge and experience.
- c. Following the meeting the Line Manager will forward the application to the Senior Line Manager (Senior Management Team) within 5 days.

The Line Manager should include any additional information gained, and any possible alternatives discussed at the meeting, as well as an assessment of team service delivery implications if agreeing to the request.

Similarly, if the Line Manager considers that the application cannot be approved, clear reasons (including team service delivery implications) should be detailed in the application.

11.2 Referral to Senior Line Manager (SMT)

- a. The Senior Line Manager will decide on applications within their area ensuring a consistent and fair approach is taken in those decisions. The application should be reviewed within 14 days of receipt from the Line Manager.
- b. Each application will be considered on its merits but the following should form part of the considerations:
 - The purpose of the application
 - Service pressures and how the career break may affect these
 - Flexibility or alternative options discussed which would enable the career break to take place, for example, an agreed later start date
 - Ability to reorganise work among existing staff without requirement for backfill
 - The need to retain key skills, knowledge and experience.
- c. If the application is approved by the Senior Line Manager, either as requested or subject to conditions, he/she will advise the Line Manager, providing a copy of the written approval. The Line Manager will meet with the employee to advise accordingly.
- d. The career break application and approval form should also be forwarded to the Human Resources Department within 5 days from the date of the decision.
- e. The Human Resources Department will confirm the terms and conditions of the career break in writing to the member of staff.

11.3 Referral to the Workforce Planning Group

- a. The Workforce Planning Group consists of the two Deputy Directors, Head of Human Resources and Head of Finance.
- b. If the Senior Line Manager, having considered the implications within their own area, is unable to approve the career break, a bid should then be submitted to the Workforce Planning Group (WPG) to enable consideration of possible wider organisational solutions. The career break application, including Line Manager and Senior Line Manager comments should also be submitted.
- c. The WPG will review the Senior Line Manager's bid, the career break application and line management comments. The WPG will consider the application within an organisational wide context and will take into account such factors as:

- Purpose of the career break
 - Organisational need and whether there would be a detrimental effect on ability to provide service
 - Inability or ability to reorganise work among existing staff
 - Planned structural changes
 - Potential difficulty of replacing specialist skills
 - Flexibility or alternative options that have been reviewed by line management.
- d. A formal record of the WPG decision will be issued to the Senior Line Manager within 5 working days from the WPG meeting. The Senior Line Manager will relay the decision to the Line Manager, and the Line Manager will advise the employee accordingly.
- e. The HR Department will receive a copy of the WPG outcomes and will either provide written confirmation of approval and terms of conditions of the career break, or alternatively, refusal of the career break, reason(s) for refusal, and the right of appeal.
- f. Should an employee become subject to the provisions of the Disciplinary Policy, prior to commencement of a career break, the start date of the career break may be revised to facilitate the conclusion of the disciplinary process.

12.0 Application for a Career Break following maternity leave

An employee can apply for a career break to follow on immediately from a period of maternity leave. In such circumstances the employee will not be expected to repay any enhanced contractual maternity payments which may have been received. The employee will only be required to return this payment if she resigns at any time during the career break or fails to return for a minimum of 12 weeks (NNC) or 4 weeks (NICS) at the end of the career break.

13.0 Appeals Process

An employee can use the appeals procedure if he/she can provide evidence that:

- the process used by the PBNI is flawed
or
 - he/she considers the decision to be unfair or unreasonable.
- a. Employees must exercise their right of appeal by writing to the Director of Probation within 10 working days of being notified of the decision by the Human Resources Department, using the Appeals Form (Appendix 2). This 10 working days' limit may be extended by mutual agreement.
- b. Should the decision have been taken by a Director of Probation an appeal will be heard by a panel of members of the Board.

- c. In the case of (b) the appeal should be sent to the Board Secretary.
- d. The appeal hearing will normally take place within 10 working days of the receipt of the appeal request. In exceptional circumstances the appeal may not be heard in 10 days.
- e. The employee has the right to be accompanied to the hearing by a trade union representative or work colleague.
- f. Where an employee is overseas on a career break, other communication methods may be used. Alternatively, the written appeal may simply be considered or the employee's union representative or work colleague may fully represent their case in his/her absence.
- g. The Head of HR or the nominated deputy will be in attendance at the hearing and will advise the Director on points of process or relevant employment matters.
- h. The Director should give his/her decision/outcome of the appeal to the employee and reasons in writing within 5 working days. The outcome of the appeal could be to:
 - Uphold the original decision not to approve the career break application/or extension
 - Over-rule the original decision and grant approval for a career break/extension
 - Over-rule the original decision and grant approval for a career break/extension subject to conditions
- i. In the case of an appeal to the Board, the Board Secretary will be in attendance at the hearing. He/she will reserve the right to seek HR advice as necessary.
- j. In the case of an appeal to the Board, the Board Secretary will issue the decision/outcome of the appeal to the employee and reasons within 5 working days. The outcome of the appeal could be to:
 - Uphold the original decision not to approve the career break application/or extension
 - Over-rule the original decision and grant approval for a career break/extension
 - Over-rule the original decision and grant approval for a career break/extension subject to conditions
- k. The decision following the appeal shall be final and there will be no further internal right of appeal.

14.0 Terms and Conditions

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 PBNI, including matters of conduct, secondary employment, and non-disclosure of confidential information. It is also important that any changes in contact details, involvement in legal proceedings or criminal convictions are reported in the usual way as required by the PBNI.
- Any existing salary sacrifice arrangements will cease during a career break. An employee is not entitled to receive childcare vouchers while on a career break. The Finance Department must also be contacted to make arrangements for the payment of the outstanding hire payments under the Cycle to Work Scheme. The cycle and qualifying equipment will remain the property PBNI although the normal disposal arrangements will still apply.
- The balance of any outstanding loan made under the Assisted Car Purchase Scheme must be repaid before the commencement of the career break.
- The career break period does not qualify as reckonable service 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..
- 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 employee 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 employee returns to work.
- It is not expected that a career break will be approved for employees who have exceeded their leave entitlement for the appropriate period.
- During a career break, the employee 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 for the purposes of continuous service only in respect of calculating those benefits which are determined by length of service.
- In a redundancy or early severance situation employees on a career break will be considered under the same terms as serving members of staff.

15.0 Pension

As a career break is authorised unpaid leave, pension will not be building up during that period. Employees can however elect to buy back the amount of pension 'lost' during the period of career break by paying Additional Pension Contributions (APCs).

If an employee wishes to buy the amount of lost pension, and chooses to do so within 30 days of returning to work, then the cost of the APC is split between the employee and the employer. The employee will pay 1/3rd of the cost and PBNI will pay 2/3rds of the cost. Employees can pay these contributions as a one-off lump sum or by regular payments.

The maximum period that can be covered by employer contributions is three years (36 months). The cost of purchasing lost pension for a period beyond 36 months will be at full cost to the employee.

If the election to pay APCs is made after 30 days from returning to work, the APCs will be at full cost to the employee.

Please note that PBNI will not advise on pension matters. Employees should seek advice directly from the pension providers, NILGOSC.

16.0 Social Security and HM Revenue and Customs Arrangements

It is the employee's personal responsibility to contact the Social Security Agency and HMRC to determine if they are entitled to any Social Security benefits and to check the position regarding National Insurance Contributions.

17.0 Pregnancy during a career break

If an employee becomes pregnant during a career break she must notify her Line Manager. Employees 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).

18.0 Keeping in Touch during a Career Break

Before commencing the career break employees must register a permanent address or provide some person or agency through which they can be contacted throughout the duration of the break. In addition, particularly if going abroad, an email address should be provided.

Any changes to these details must be communicated to the HR department.

The Human Resources Department will distribute Service information to employees on career break, for example, Director Communiques, Recruitment advertisements and internal Trawl notifications.

19.0 Applications for Transfer or Promotion during a Career Break

Employees can apply for any published vacancies/internal trawls, either for promotion or a sideways transfer. Any such application will be subject to normal internal recruitment and selection procedures. If appointed, the career break will come to an end.

20.0 Returning to Work

It is the employee's personal responsibility to contact the Human Resources Department six months before they are due to return to confirm if they intend:

- to return on their due date
- to apply for an extension (up to a maximum of five years)
- to resign

To assist with workforce planning employees are expected to confirm their intentions as outlined above. However it is recognized that there may be exceptional cases where the 6 month timescale cannot be met and, in such circumstances, notice should be given as soon as possible and **no less than 3 months' from the prospective** return to work date.

In the case of a request for an extension of the career break the Human Resources Department will remit this request to the Workforce Planning Group for their consideration.

In the event that the employee has not made contact within three months from their return to work date, Human Resources will make reasonable attempts to contact the employee. If no response is received by the career break end date, resignation will be assumed.

On return it may not be possible for an employee to return to the job which they previously held. If this is not possible, s/he may be able to take up an alternative job, if a vacancy exists, 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.

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.

Where it is an essential requirement to be registered with a professional body for working in PBNI, e.g. NI Social Care Council, this must be done prior to returning to work. Failure to do so would have an impact upon the return to work date.

21.0 Early Return to Work

An employee 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 employee will be allowed to return to work before the end of the agreed break.

As indicated in paragraph 20, if registration is required with a professional body, this must be done before return to work.



CAREER BREAK APPLICATION FORM

To apply for a career break this form must be completed and sent to your Line Manager no later than 6 months before the anticipated start date.

The line manager will arrange to meet with you to discuss your application. You should recognise the demands of the service provision and be prepared to constructively discuss alternatives or changes to your plans in order to balance your own wishes with the needs of the service.

Name Grade

Location

Line Manager

Senior Line Manager (SMT)

Eligibility Criteria

I declare that I meet the eligibility criteria (please tick x)

I have been employed by PBNI for a continuous period of 2 years at the date of application

I have a satisfactory record of attendance, performance and conduct

There are no disciplinary, capability or complaint matters outstanding against me

There are no known outstanding work commitments which would affect the preferred date of commencement

Reason for Requesting Career Break (please tick x)

Further education

Domestic Responsibilities

Starting a business

Maintaining a family business

Period of travel abroad

Other (please state reasons)

Please give full details of reason for requesting a career break. Sufficient information should be provided to enable full consideration of your application.

I wish to apply for a career break from

To

I have read and understood the PBNI Career Break Policy and Procedure which may have an effect on my conditions of service. I agree to abide by the conditions of the scheme if my application is successful.

Signature

Date

Line Manager

The Line Manager must arrange to meet with the employee within 14 days of receipt of the application to discuss in detail.

Please provide comments on any additional information gained, possible alternatives discussed and assessment of team service delivery implications. If not agreeing to the application, please provide clear reasons.

Please complete one of the following sections as appropriate and forward to your Senior Line Manager (Senior Management Team).

Having considered the information on the application and during the meeting with the employee **I agree** to the request for a career break.

Signed

Date

Having considered the information on the application and during the meeting with the employee **I am unable to accommodate the original request but I agree** to a career break with the proposed amendments. (Insert details of the agreed alternative).

Signature

Date

Having considered the information on the application and during the meeting with the employee **I do not agree** to the request for a career break. The reasons for the refusal are as follows:

Signature

Date

Senior Line Manager

The Senior Line Manager must review this application within 14 days from receipt from the Line Manager.

The following should form part of your considerations:

- The purpose of the application
- Service pressures and how the career break will affect these
- Flexibility or alternative options which would enable the career break to take place such as an agreed later start date.
- Inability or ability to reorganise work among existing staff and that a backfill is not required

Please provide details below.

Please complete one of the following sections as appropriate.

Having considered the information on the application and the line manager comments **I approve** the request for a career break.

Signature

Date

**Please advise the Line Manager of your decision
and forward this paperwork to the HR Department within 5 working days**

Having considered the information on the application and the line manager comments **I am unable to accommodate the original request but I approve** the career break with the proposed amendments. (insert details of the agreed alternative).

Signature

Date

**Please advise the Line Manager of your decision
and forward this paperwork to the HR Department within 5 working days**

Having considered the information on the application and the line manager comments **I am unable to approve** to the request for a career break. The reasons are as follows:

Signature

Date

Please forward the application to the WPG for consideration along with a WPG bid.



CAREER BREAK APPEAL FORM

To be completed and sent to the Director of Probation within 10 working days of being notified of the decision.

Name Grade

Location Contact Number

I wish to appeal against the decision to refuse my application for a career break/career break extension (delete as appropriate). I am appealing on the following grounds:

Please tick as appropriate x

- the process used by the PBNI is flawed
- or
- the decision is unfair or unreasonable

Please outline evidence of the above as appropriate

Continue on a separate sheet if necessary

Signature

Date