

CAREER BREAK GUIDANCE

Key Points:

- Career breaks are periods of unpaid leave which usually range from 4 weeks to 12 months
- A proposed career break must have advantages to Warwickshire County Council
- Consideration needs to be given regarding what happens after the career break. For shorter periods (6 months or less) it is likely that the employee will return to their existing terms and conditions
- All arrangements that will apply after the career break need to be confirmed in writing with the employee
- All necessary HR forms need to be completed to ensure there is no overpayment made to the employee

1. Introduction

- 1.1 A career break is the term used to describe an extended period of unpaid leave. This would usually range from 4 weeks to 6 months, although can be longer. Periods of leave exceeding 12 months are unlikely to be approved. In general, for career breaks of 4 weeks to 6 months, the employee would be expected to return to their substantive role and their continuous employment would not be broken. For career breaks which exceed 6 months, it is likely that the employee will be provided with preferential consideration should a suitable role be identified in the future. In this situation, the contract of employment would not continue for the duration of the career break.
- 1.2 There is no 'one size fits all' approach to career breaks but it is important that key issues around these are addressed and agreements are confirmed with the employee in writing before the commencement of the career break.

2. Scope

- 2.1 This guidance applies to all current employees of Warwickshire County Council, other than the following:
- Employees covered by Grey Book terms and conditions
 - Schools employed staff

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Last Reviewed by	Katie Brown/Sarah McCluskey HRAS			Date EIA Undertaken	20 th April 2011
Policy Owner	Sue Evans, Head of HR and OD			Page 1 of 4	

3. Principles

- 3.1 Career breaks are periods of unpaid leave of 4 weeks or more. There is no maximum period of time for a career break. This would need to be decided by a manager, taking into consideration the needs of the service and the information contained within this guidance document.
- 3.2 The proposed career break must have advantages to both Warwickshire County Council and the individual, although it is generally assumed that if an individual has requested a career break they will see some advantage for themselves in doing so.
- 3.3 From the County Council's perspective the advantage may be the resultant saving. This will not happen if the employee is to be replaced while they are away. Even if the replacement employee is paid at a lower salary, the savings are, at best, marginal. The cost of hiring a temporary replacement is likely to reduce or eliminate any saving.
- 3.4 Further advice relating to career breaks can be obtained from the HR Advisory Service.

4. Process

- 4.1 The following information outlines the process to be followed when a career break is requested:
- Employees must submit a request to take a career break in writing or via email, to their manager. This should detail the requested start date, the duration and the end date of the career break.
 - Managers should give careful consideration to the request, balancing the potential advantages for the County Council with the needs of the service.
 - Managers should meet with the individual to discuss their request.
 - Managers must ensure there is clear justification for their decision.
 - The manager should complete and sign and the employee should check and sign the Career Break form. This should then be sent to the HR Service Centre.
 - The manager should confirm their decision in writing, sending a copy to the employee and ensuring that a copy is saved to the employee's HR-ER file.

5. End of the Career Break

- 5.1 For a relatively short break of 6 months or less (this may be extended to a maximum of 12 months depending on the individual circumstances and the service need), it is unlikely that the employee will enter into any arrangements other than returning to their existing job on their current terms and conditions.
- 5.2 For longer career breaks the employee may be prepared to accept other arrangements. An example of this may be the right to return to any job on

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their current salary grade, rather than specifically the one they have left. In some circumstances the employee may be prepared to accept that the County Council can do no more than offer them 'preferential consideration' for any vacancy that exists at the end of the specified career break or within a set period of time (usually no more than 12 months after the career break has ended). As with all other arrangements, this would need to be agreed with the employee prior to their career break and the employee must understand that if this is the agreement they are effectively resigning from their employment with WCC.

- 5.3 For career breaks exceeding 12 months the commitment at the end of the career break should not go beyond offering preferential consideration for appointment to future vacancies.
- 5.4 For managers it is important that they do not enter into return arrangements that they are not confident of being able to fulfil. For example, it may be that for some time to come WCC have a large number of displaced employees that we are seeking to redeploy, significantly reducing the value of any offer for preferential consideration for future vacancies. For this reason, wherever preferential consideration for future vacancies is the agreement made with the employee for the end of the career break, it should be made clear that this will involve no more than equal consideration to displaced employees who we are seeking to redeploy at that time.
- 5.5 It is necessary that all agreements regarding the end of the career break are confirmed in writing with the employee and that all parties are clear on what has been agreed. A copy of this document should be saved to the employee's HR-ER file by the manager.
- 5.6 Employees are encouraged to seek whatever advice they feel necessary before entering into a career break arrangement, including that of their trade union.

6. Employee Rights during a Career Break

- 6.1 Where a career break does not exceed a maximum of 12 months and employment after this period of time is guaranteed, the contract of employment continues during the career break.
- 6.2 Where the contract of employment does continue during the career break, then an agreement must be made in writing specifying those terms of the contract that will apply or not apply during that period. Terms of the contract of employment that should be specified as not applying during the period of the career break are:
 - Terms relating to pay (i.e. the career break is unpaid)
 - Contractual entitlements to paid leave, sickness absence pay and other benefits.
- 6.3 When the contract of employment does continue, the agreement should make clear that in the event of the post becoming redundant or transferring to another employer during the period of the career break, the employee would be treated in the same way as they would have been had they not

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Policy Owner	Sue Evans, Head of HR and OD			Page 3 of 4	

been on a career break. The agreement should also make clear that existing terms relating to conduct and incapability will remain in force during the period of the career break.

- 6.4 Where there is no guarantee of future employment at the end of the career break, i.e. where only preferential consideration for future vacancies is given, then the contract of employment will not continue during the period of the career break, nor will they be entitled to compensation in the event that the post that they last occupied becomes redundant. Unless otherwise agreed, a career break of 12 months or less will not automatically break an employee's continuous service (where it has been agreed that the employee will return to their post at the end of the career break). Where a career break exceeds 12 months, continuity of service will ordinarily be broken unless agreed otherwise. If service is broken, the employee's entitlement to annual leave, sickness absence pay, redundancy compensation, unfair dismissal rights and other rights will, upon returning to work, revert to those of a newly appointed employee. Any agreement should specify whether continuous service will be broken during a career break.

7. Pension

- 7.1 When a member of the Local Government Pension Scheme (LGPS) is absent from work on a career break, they can elect to buy lost pension for the period of the career break. Where an employee elects to pay an Additional Pension Contribution (APC) to purchase any or all of the amount of pension lost during the period of absence and makes the election within 30 days of returning to work, the employer shall, for any individual period of absence up to but not more than 36 months, pay 2/3rds of the cost of the APC (a shared cost APC). The amount of lost pension is determined by the amount of lost pay for the period of absence. An employee shall obtain the amount of lost pay for the period of the career break from the Council's payroll team and then use the APC modeller to determine the cost of purchasing the lost pension. The modeller can be found at <http://www.lgps2014.org/>. An employee can commence an APC or shared cost APC in this circumstance even if they are in the 50/50 section
- 7.2 There are no provisions within the Teachers' Pension Scheme that allows for career breaks or other periods of unpaid leave to count towards continuous service.

8. Who to Contact

- 8.1 For further information and guidance contact the HR Advisory Service.

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