



SOLIHULL METROPOLITAN BOROUGH COUNCIL

CAREER BREAK SCHEME GUIDANCE

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If you require this information in an alternative format or need assistance because English is not your first language, please contact your line manager or nominated Human Resources Advisor in the first instance for further support.

This document sets out the terms reached by those participating in the Council's Consultation and Negotiation Framework.

CAREER BREAK SCHEME GUIDANCE

Current version: 1.0
Document type: Final
Prepared by: Claire Cooksey – HR Policy Development
Approved by: Assistant Director group - April 2023
Review date: June 2025
Circulation: All employees / Intranet / Extranet

Document revision dates

Revision	Date	Revision description
1.0	01.06.2023	New document

CAREER BREAK GUIDANCE

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1. Introduction

In offering the opportunity to take a career break (sometimes also referred to as a 'sabbatical' or 'career gap'), the Council recognises the importance of employees' work-life balance and personal development, whether that be via life-long learning, charity work, leisure activities, travel or other interests. Career breaks are granted entirely at the discretion of the Council and, while all requests will be given reasonable consideration, granting of the period of leave will depend on the needs of the service and staffing levels at the time. The break is taken as **unpaid** time away from the workplace. There is the expectation that the employee will return to the Council at the end of the career break.

This guidance document is designed to accommodate career break requests and is aligned to help staff achieve a work life balance where other policies such as Leave of Absence or Flexible Working cannot cater for the longer-term need.

The objectives of a career break are to:

- provide employees with the opportunity to take an extended period of unpaid leave and wherever possible to resume their career with the Council, thus retaining skilled employees. Some employees may return with new skills and knowledge that can enhance their ability to perform in their role.
- ensure that the Council can continue to provide excellent public services by retaining the knowledge and skills of staff in the longer term and
- support the Council's aim to be 'an employer of choice', aiding with recruitment and retention. It may also offer development opportunities for colleagues who could cover their role during the break.

For employees who need a block of time off work to care for a dependant, they should refer to the Carers Policy as a carer's break may be an appropriate option in these circumstances. The maximum duration of a carer's break is 3 months for each dependant. This will be available to employees who are providing care in situations such as providing end of life care to a dependant. If the employee requires a longer break than this, the career break guidance can be followed.

A breach of the terms of the career break agreement by an individual may result in termination of the agreement by the Council with subsequent non re-engagement at the end of the career break.

The guidance supports our commitment to equality and diversity. Template letters and a Career Break Agreement template are available from your HR Advisor. A Manager's checklist can be found on the Intranet in the HR policies section/Manager specific section.

2. Eligibility

Employees who have completed one year's continuous service with Solihull Council are eligible to request a career break.

Employees who have a current/live disciplinary warning on their personal record will not be considered for the career break scheme until the warning has expired. Also, employees who are subject to Capability or Resolution procedures or are subject to an ongoing investigation or who have been formally advised in writing that their jobs are at risk through redundancy are excluded from the career break scheme.

Career breaks may, at the Council's discretion, be granted more than once during the course of an employee's employment but only in exceptional circumstances and only where a period of at least three years has passed since the employee returned to work following their previous career break leave.

If an employee of a fixed-term contract wishes to request a career break before the end of their contract, they would effectively be resigning early from their position as the fixed-term contract would not be paused during the career break.

3. Length of Career Break

Career breaks are subject to a minimum period of one month and a maximum period of 12 months. This should be in one continuous period.

If an employee wishes to take less than one month's leave, they should request holiday in the usual way under the Council's annual leave procedure. There is also an option to purchase additional leave.

The Council may consider agreeing to a career break up to 2 years. However, for any requests over 12 months, the Council would need the employee's written resignation prior to its commencement and the contract of employment would come to an end at that time. There would be no guarantee of a role to return to.

4. Request for a Career Break

All requests for career breaks should be made by completing the application form in Appendix 1, this should be sent to the employee's line manager, stating the preferred start date and duration of the career break, and proposed objectives of the career break. The application should also state how the Council might be impacted by the proposed absence on a career break and how any potential problems might be overcome.

Employees must give at least three months' notice before any proposed start date. This timescale can be waived in exceptional circumstances by the Head of Service.

The Council will consider any request for a career break, but the decision as to whether or not to grant the career break will be entirely at the Council's discretion. In some circumstances, a career break may not be the most appropriate arrangement. Employees should not commit themselves to any plans before making an application for a career break and a decision confirmed in writing.

The manager should arrange a meeting with the employee, to discuss the request as soon as possible after the request has been received. If there is likely to be a delay in meeting, the manager should let the employee know. Where a request can be accepted without further discussion a meeting may not be required. The employee has the right to be accompanied at meetings by an accredited trade union representative or a work colleague if they wish.

It will take up to 20 working days after the meeting to reach a decision on the application and if approval is granted, the details as they apply will be confirmed to the employee in writing. Once the employee has been notified that their application has been approved, the line manager will need to contact the HR Pay & Admin team with the details and application form.

There may be occasions when it is not possible to agree to the length of a career break because of the needs of the Council. In such instances, the employee and their line manager should consider a shorter break or deferring the break for a while. If it is not possible to agree an application, business reasons will be given for the refusal, and these will be discussed with the employee and then confirmed in writing.

Grounds for refusal may include, but are not limited to:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing employees
- Inability to recruit additional employees
- Detrimental impact on quality
- Detrimental impact on performance
- Planned structural changes
- A career break may not be the most appropriate arrangement for the circumstances

There is no right of appeal against the decision. If the employee is unhappy with the decision, they should discuss the matter further with their line manager to try to reach an alternative solution or can speak to a Resolution Contact for further support. If it is felt that the employee has been treated unfairly, they are entitled to pursue the matter via the Resolution policy.

The line manager should advise their HR Advisor of any requests and the outcome so that these can be recorded and monitored.

Before the commencement of the career break, the line manager will need to complete a Leaver's checklist (*available from your HR Advisor*). They must then arrange another meeting with the employee to discuss and agree the handover period, how they are going to keep in touch with them during their career break and make arrangements for their return to work.

Employees are encouraged to seek whatever advice they feel necessary before entering into a career break arrangement, including that of their trade union.

5. Terms and Conditions during a Career Break

Where a career break **does not exceed a maximum of 12 months**, the contract of employment continues and it is likely that the employee will be able to return to their existing post. Employees will continue to be bound by the normal rules applying to Council officers whilst on a career break, in particular conduct, financial affairs, political activities and the non-disclosure of confidential information, notice periods and they are still subject to the usual policies and procedures including the Disciplinary policy and Code of Conduct policy. It is the responsibility of the employee to notify the Council of any circumstances affecting their continued employment in any way; for example, the declaration of criminal offences.

If the career break is over 12 months, the contract of employment will not continue and there is no guarantee of future employment at the end of the break. The employee is not an employee of the Council for statutory or contractual purposes. The employee would not be entitled to compensation (i.e. redundancy pay) in the event that the post that they last occupied becomes redundant during the break.

5.1 Pay

During a career break of any duration, the employee will not be paid any salary, nor be entitled to other benefits.

5.2 Salary sacrifice deductions

Any salary sacrifice deductions usually made from the employee's pay will be suspended and then reactivated on their return to work.

For the Cycle 2 work scheme, this may mean extending the 12 months hire period. If the career break is going to be longer than 12 months, the employee will be required to repay the remaining balance of the bike in full in their final salary before the career break commences. Please contact the Pay & HR Administration team for further information.

5.3 Annual leave and bank holidays

Annual leave accrued up to the date of the career break cannot be carried forward and must be taken prior to the commencement of the career break.

If the career break is for **12 months or less**, the employee will continue to accrue statutory annual leave (up to 28 days inclusive of bank holidays for full-time employees), but *not* contractual annual leave during the break (the amount of leave and public holidays stated in your contract). This will be pro-rata for part time employees. Employees must use the statutory holiday that would be accrued during the career break, usually at the end of the agreed period before they return to work, in agreement with their line manager. It cannot be carried forward on return to work.

For example, a full-time employee wishes to take 6 months off work. They will accrue 14 days annual leave in 6 months ($28/12 \times 6 = 14$). The employee will return to work 6 months after their leaving date, but the last 14 days of the career break will be paid leave as they will be 'taking' their accrued leave.

If the career break is for **over 12 months**, the employee will not accrue either statutory or contractual annual leave as the contract will not be in force.

If the employee has taken the option to purchase additional annual leave, their annual leave allowance will be calculated on a pro-rata basis up until their last day at work before the career break plus any additional bought leave. Any outstanding leave must be taken before the career break starts. Any debit in the amount of leave taken or balance of monies to be repaid in respect of the days bought will be recovered automatically from the employee's pay before they leave.

No payment in lieu of outstanding leave will be made, neither will any "carry over" of leave be allowed.

On returning 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 annual leave purposes.

5.4 Sick pay

Employees will not be entitled to occupational sick pay while on a career break, and the duration of the break will not count towards their sick pay entitlement on their return to work.

For breaks of 12 months and under, the employee may be entitled to statutory sick pay (SSP) in the first 8 weeks, subject to meeting the qualifying conditions (see the [government web pages](#)). This is because the calculation for SSP is based on the average earnings of the employee for the previous 8 weeks (prior to the start date of the sickness) being at least equal to the lower earnings limit.

5.5 Pensions

No pension contributions are paid during a career break. Information on how your pension is affected can be found in Appendix 2. Employees are advised to speak to the HR Pensions team regarding contributions to the Council's superannuation schemes before going on a career break.

5.6 Travel pass loans

Employees must make arrangements to repay any outstanding monies before they commence a career break.

5.7 Childcare vouchers

An employee in the scheme cannot purchase the vouchers during any salary period when they are not in receipt of pay, because the cost is deducted directly from their salary. An employee cannot benefit from Childcare Vouchers and Tax-Free Childcare at the same time, but they can remain in the closed Childcare Vouchers scheme as long as:

- You have not previously made a successful application for Tax-Free Childcare
- The Council is still their employer
- You have had at least one wage deduction and received vouchers within any 12- month period.
- Your child is still eligible

Edenred Childcare Vouchers do not expire and if the employee decides to switch to Tax-Free Childcare, they can still use up any vouchers accrued in their account.

5.8 Birmingham Hospital Saturday Fund (BHSF) membership

Should an employee wish to continue with their membership of the health cash plan scheme during the break, they must make their own arrangements for payments to be made directly to BHSF via direct debit, as this cannot continue to be paid via payroll.

5.9 National Insurance Contributions (NIC)

Employees will not make NIC's during a career break as they will not be in receipt of an income during this period. Employees are responsible for making their own arrangements for paying any National Insurance contributions during the career break should they wish.

5.10 Trade Union Membership

Should an employee wish to continue their trade union membership during the break, they must make their own arrangements for subscriptions to be paid by direct debit as this cannot continue to be paid via payroll.

5.11 Advance Credit Union membership

If the employee is a member of the Advance credit union and participates in a savings scheme or loan repayments scheme via their salary, arrangements must be made with Advance to make payments direct as they cannot continue to be paid via the payroll.

5.12 Performance and Development Review Framework (PDRF)

Employees and their managers must ensure that all documentation is completed as required under the PDRF scheme prior to a career break being started. This can review the key achievements but also discuss their performance development plan and career goals which can help both parties to plan for their return from a career break.

The PDRF year is 1 July to 30 June. For career breaks of 12 months or less, if the break crosses into a new PDRF year, or the employee has worked less than 4 months of the PDRF year it may be necessary for the manager to set a performance review period with the employee on their return to work that is outside of the usual corporate timescales. This is so that they have sufficient time to demonstrate their performance and achievements and

participate in a meaningful PDR assessment. A reasonable review period might be between 4 and 6 months following return but this will depend on the role.

For example, if you left to go on a career break on 1 February, the review can assess 7 months of performance and behaviours and so a 'year-end review' meeting should take place and the rating discussed before the career break starts. The rating will be subject to the usual 'sense check' process and will be submitted by the line manager during the normal timeline for processing year end reviews.

If, however, the career break started on 1 September, this is less than 4 months of the PDRF year and is unlikely to be a sufficient period to gather evidence on which to base an assessment of a rating. A review period of up to 4-6 months can be put in place to ensure a meaningful PDR assessment can take place on return to work.

Each case must be reviewed on an individual basis, and further advice is available from your HR Advisor.

For a career break longer than 12 months, individuals will not be able to meet performance assessment requirements and will not therefore be able to progress through the pay award for that year(s) whilst on a career break.

5.13 Flexi hours

Flexi hours accrued up to the date of the career break cannot be carried forward and must be taken prior to the commencement of the career break. Any flexi deficit must be cleared before commencement of the career break.

5.14 Return of Council property

Employees must return any Council and departmental property items (e.g. laptop, mobile phone, security pass, locker keys, key fobs etc) they have to their line manager before leaving to commence the career break.

6. Continuity of service

An employee's length of service with the Council *prior* to the career break is protected and will be combined with the length of service *after* the break for the purposes of calculating service condition entitlements such as contractual redundancy pay, long service awards, annual leave, contractual sick pay and occupational maternity pay etc.

No service accrues during the break, and qualifying service accrues again once the employee returns to work.

For career breaks of 12 months or less, the period of service will be regarded as continuous for all statutory purposes including statutory annual leave entitlement, unfair dismissal and statutory redundancy and statutory maternity pay etc.

For career breaks of over 12 months, where the employee resigns and the contract is ended, the employee will have lost all statutory rights that depend on accrued length of service (such as the right to claim unfair dismissal after a year's service, statutory redundancy and statutory maternity pay etc).

7. Other employment during a career break

Career breaks are not for the purpose of taking up alternative paid work or to start up a personal business venture. If the employee takes up other paid work, this will be in breach of the career break scheme and the Council will not consider re-engagement at the end of the

career break.

However, there may be limited circumstances where the Council considers it to be reasonable to allow paid work to be undertaken where the employment is consistent with achieving the objectives of the break. Examples could include:

- Temporary work if the employee is travelling overseas or studying
- Work of a developmental/voluntary nature such as charity work overseas
- Work associated with a course of study

If an employee who wishes to take up any other paid employment during the period of the career break or provide any consultancy services to other organisations on a self-employed basis, they **must obtain the prior agreement**, in writing (email will suffice), from the Council by an Assistant Director/Director. If the role may conflict with the usual rules as stated in the Code of Conduct policy, they must contact their manager to obtain approval before applying for or accepting the position, to discuss it further and a declaration of interest form should be completed.

8. Contact during a career break

In advance of the career break, the employee's line manager should arrange to keep in contact with the employee during the leave. Typically, contact will be at least once a month, although this is a matter for agreement between the employee and their line manager and will depend on the duration of the career break and what they are doing on the break. The employee should also agree the preferred method of contact, e.g. email, letter, phone call etc. Examples of keeping in touch include emailing or forwarding relevant Council literature, publications, reports, departmental newsletters or team meetings to the individual who is on a career break and invitations to official functions and /or social events.

The line manager will also contact the employee to inform them of any important workplace developments, such as a reorganisation, job opportunities in the team and upcoming training events. Similarly, it is up to the employee to inform the line manager of any changes in personal circumstances of which the Council should be made aware, such as a change of contact number, email or home address.

If a manager changes role, and is no longer the employee's line manager, they are responsible for informing the employee and the Pay & HR Admin Team and handing over the keeping in touch details to their replacement.

The employee should ensure that their contact details are up to date before they leave so that the Council are able to keep in touch during the period of the career break. This includes **address, email, telephone contact details, next of kin and pension nomination form**.

There may be circumstances whereby the manager is unable to contact the employee very frequently, for example, if the employee is using the career break for travelling. Managers should obtain details of any forwarding addresses or details of nominated persons who can forward any relevant correspondence.

9. Returning to Work

9.1 Career breaks of 12 months or less

Approximately 6 weeks before the end of the career break, the line manager and employee will get in contact with each other to confirm the date and make arrangements for the return to work. There is a responsibility on both sides to make contact so that both parties can undertake their agreed actions to manage the return to work in good time.

On completion of the career break, the employee will usually return to the same job and spinal point as before or, if that is not reasonably practicable, to a job of equivalent grade, location and on terms and conditions not less favourable than those that would have applied had the break not been taken. If the original role is no longer available and there is no suitable alternative within the department, the employee will be placed on the Redeployment Register as soon as possible before the end of the break, so that they receive assistance to find alternative employment. The Council cannot guarantee that its structure and organisation will be the same at the end of the career break as it was when they left.

The individual will be placed on the Redeployment Register by Human Resources for up to 3 months to allow for re-employment only and will not entitle the employee to receive pay if they are unable to work during this time.

If the offer of a suitable alternative position is turned down, the employee may lose the right to return and may have their employment terminated and lose any rights to a redundancy payment.

The employee's service whilst on a career break will be regarded as continuous for all statutory purposes. However, their service will be treated as paused for the purposes of service-related benefits, including long-service awards, contractual redundancy pay, holiday entitlement etc.

When the employee returns to work, they will return to their substantive post (or equivalent job as outlined above), on the substantive spinal column point in place at the commencement of the career break; there is no entitlement to incremental progression during the unpaid leave.

If an employee wishes to return to work on reduced hours or with an alternative working pattern, they must discuss this with their line manager when they contact them to confirm return. Please refer to the Flexible Working policy. There is, however, no guarantee that the request will be able to be accommodated.

If at any time during the break an employee decides that they do not wish to return to work, they must notify their manager immediately. If an employee wishes to resign, their normal, contractual notice period will apply. The employee may be required to work for some or all of the notice period at the discretion of the Head of Service.

Where an employee fails to return on the agreed date without informing their manager, and every reasonable effort has been made to contact the employee at the last given contact address or other contact details they will be treated as if they had resigned from the return due date. If the employee is unable to return on the agreed date because of illness, they must notify their manager as soon as possible, they will only be deemed to have completed their career break once they have returned to work.

If the Council is unable to find suitable employment within three months of the end of the career break, any job search arrangements between the Council and the employee will terminate. The employee also has a responsibility to actively seek alternative work (i.e. sign

up for job alerts, apply for roles, be available for interviews etc.). The Council will be deemed to have discharged its obligations in full to the individual in respect of the Career Break Scheme and employment opportunities.

All employees returning from a career break may be required to complete refresher training on their return to work, depending on the length of the break. This is so they can refresh their skills and ensure any mandatory training is up to date. Where applicable, an employee on a career break is expected to maintain any required professional competencies and skills and keep-up-to-date with any significant developments in their area of work, as appropriate to the role. It is the responsibility of the employee to ensure they maintain all elements of practice to the relevant regulatory standards required to continue to practice in their role.

9.2 Career breaks of over 12 months

On completion of the career break, there is no guarantee that the Council will re-engage the employee in their previous position or in any other role. However, if they still wish to return, the Council will endeavour to identify a suitable post.

An individual who wishes to return to employment with the Council following a career break should contact the line manager at least 12 weeks before they wish to return. The HR Advisor will then ask the HR Resourcing team will add the individual on to the Redeployment Register and the employee should also register with WM Jobs. The individual will be placed on the Redeployment Register for 3 months to allow for re-employment only and will not entitle the employee to receive pay. Individuals can apply for positions at the same grade or the one below. Individuals on the Register will be given priority over external job applicants but not over those existing employees who are currently within the Council's employment and are displaced, for example, medical redeployees, and employees affected by restructuring and at risk of redundancy.

The individual also has a responsibility to actively seek alternative work (i.e. sign up for job alerts, apply for roles, be available for interviews etc.).

If the Council is unable to find suitable employment within 3 months, any job search arrangements between the Council and the individual will terminate. The Council will be deemed to have discharged its obligations in full to the individual in respect of the Career Break Scheme and employment opportunities.

All employees returning from a career break will be required to complete refresher or new starter training on their return to work. This is so they can refresh their skills and ensure any mandatory training is up to date. Where applicable, an employee on a career break is expected to maintain any required professional competencies and skills and keep-up-to-date with any significant developments in their area of work, as appropriate to the role. It is the responsibility of the employee to ensure they maintain all elements of practice to the relevant regulatory standards required to continue to practice.

10. Returning early

Employees on career breaks of 12 months or under do not have a right to return earlier than the date that was agreed when the career break started, unless 2 month's written notice is given, as cover arrangements may be in place. However, managers will try to accommodate an early return wherever possible, following due consideration of the circumstances set out for this request and the impact of this on the service.

In exceptional circumstances employees may be contacted to ascertain if it would be possible for them to return earlier. The Council reserves the right to end a career break by giving a minimum of 2 months' notice.

11. Family leave during period of Career Break

For career breaks of 12 months or less the employee's rights to the different types of family leave are detailed in the appropriate policy.

For career breaks of over 12 months, the employee will have resigned and will therefore no longer be an employee of the Council. However, they may still have a right to an element of statutory pay depending on the date they leave and qualifying service. Please contact the Pay & HR Admin team for further information.

The employee's right to statutory or contractual pay will depend on whether they meet the requirements at the relevant time. For benefits that have a qualifying period or date (e.g. Maternity/Adoption pay), the individual must have returned from their career break by the qualifying date and/or completed the qualifying period to be entitled to the benefit.

To establish this, please refer to the relevant policy:

[Maternity Policy / Adoption Policy](#)

[Paternity Policy](#)

[Shared Parental Leave Policy](#)

Employees must comply with all their statutory and contractual obligations to give notice in relation to their family leave and their return to work at the end of their family leave.

The employee may request an early termination of their career break in order to return to work prior to taking their family leave or they may continue with the career break and elect to take such leave without returning to work.

If the employee does request to return to work prior to their family leave ending, they should notify their manager as soon as possible. We will normally only agree an early return where there is a suitable vacancy available.

If the employee does not return and continues with their unexpired period of the career break, the employee will then take their family leave as notified. At the end of the family leave the employee can choose not to return to work and resume the unexpired period of the career break. The terms and conditions of the agreement will then apply. The termination date of the career break will now be the final day of the remaining career break period.

Alternatively, the employee may request to return to work at the end of their family leave and if they do so, the terms and conditions of the agreement will cease and the appropriate family leave policy will apply, which outlines their rights to return to a post.

12. DBS checks

The Council will carry out an Enhanced DBS check with the appropriate Barred List check on employees where we have determined that there is a need based on regulated activity, or regular contact with children, and they have been on a career break of over **3 months**.

For employees who have lived or worked outside of the UK for **6 months or more** in the last 5 years, in addition to a DBS check, a criminal record check or 'Certificate of Good Conduct' should also be sought from the country/countries resided in before returning to their Council position.

The checks will need to be completed before returning to work.

13. Data Protection

When managing a career break, the Council processes personal data that has been collected in accordance with its data protection policy. Data collected from the point at which you inform the Council that individual wish to take a career break, is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the career break.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the Council's disciplinary procedure.

Other sources of information:

For additional information employees and managers should refer to the following Council policies which provide alternatives to a career break.

- [Flexible Working](#)
- [Carers](#)
- [Hybrid Working guidelines](#)
- [Parental Leave](#)
- [Annual leave guidance / Buying additional leave guidance](#)

The **Employee Assistance Programme (EAP)** is an employee benefit designed to help employees to deal with personal and professional problems which could be affecting their home or work life, health or general wellbeing. The programme is run by an organisation called **Health Assured**.

This is a confidential facility that will provide information, expert advice and structured counselling by telephone 24 hours a day, 7 days a week. The service gives employees a place to turn for support any time of day or night, 365 days a year. Support is available for whatever issues you might be facing; personal or work-related problems. The service can offer information and advice on some of the practical and financial issues regarding a career break.

To use the confidential service, you can contact the freephone number **0800 028 0199**.

Or you can use the email facility on their website or via the instant web chat facility via the website:

www.healthassuredeap.co.uk using the following login details:

Username: **Solihull**
Password: **MBC**

There is also '**My Healthy Advantage' Mobile App** and an Online Health & Wellbeing Portal that offers employees access to online webinars, factsheets and tailored programmes online, allowing them to take control of their wellbeing independently, or alongside their counselling support. The My Healthy Advantage' app provides an enhanced set of wellbeing tools and features designed to improve your mental and physical health by using personal metrics to set goals and achievements. It is available on the Apple Store and Google Play store and you will need to use the **employer code which is MHA109491**.

FAIR PROCESSING NOTICE

All information supplied on this form may be held and used as detailed:

The form will be retained securely by the line manager and accessed by, and disclosed to, individuals only for the purposes of managing your request for a career break. This may include being shared with Human Resources to ensure the process is correctly followed and recorded, and with members of the independent panel (SMBC senior employees/school governors) should the matter be referred to a formal resolution meeting, or even to an Employment Tribunal and legal representatives should a case progress that far.

For further information about how we use your information please refer to the Council's Data Protection Policy on the [Intranet](#) /School's [Extranet](#) and Privacy Statement on www.solihull.gov.uk

Name of employee:	
Directorate/School:	
Employee Number:	
Line Manager name:	
Reason for request for career break:	
Dates you wish for the career break to start and end:	
Duration of the career break:	
Please explain how the Council might be affected by your proposed absence on a career break and how any potential problems might be overcome. Please state any benefits to yourself and the Council of the break.	
<p>Once you have submitted an application for a career break, your line manager will contact you to arrange a meeting to discuss your request. A decision will be made within 20 days of the meeting. If your request is granted, this will be confirmed in a written agreement for you to sign.</p> <p>I have read the Career Break guidance and understand the implications of taking a career break.</p>	
Employee signature/e-signature:	
Date:	

This form should be sent to your line manager who should then send a copy by email to your Human Resources Advisor.

Local Government Pension Scheme**Career break of no more than 12 months:**

For a career break of no more than 12 months, where a contract of employment has not been terminated, this period will not count for pension purposes unless you elect to pay Additional Pension Contributions (APCs) to buy the pension you 'lost' during the career break. Pension contributions will not be made during the unpaid career break by the Council unless the employee chooses to purchase the amount of pension that has been lost by paying APC's.

Additional pension contributions (APCs) were introduced in the new LGPS from April 2014 and replace the previous additional contributions known as additional regular contributions. Comprehensive guidance on APCs can be found in paragraph 16 of the Local Government Pension Scheme Regulations 2013:

<https://www.legislation.gov.uk/uksi/2013/2356/made>

The cost of purchasing APCs depends on your age at your last birthday before the date contributions start, your sex, your anticipated normal pension age under the 2013 Regulations and on the payment period selected. The Government's Actuary's Department (GAD) publishes the factors and guidance regarding APCs in the document "Local Government Pension Scheme (England and Wales): Purchase of additional pension – Elections on or after 1 April 2014. Factors and guidance." This is published on the www.lgpsregs.org website here:

<https://www.lgpslibrary.org/assets/actgui/ew/AddPen20190301Post14.pdf>

General information for members regarding APCs can be found on the LGPS website at the links below: Buying lost pension:

<https://www.lgpsmember.org/buying-lost-pension-terms-and-conditions/>

An employee can commence an APC or shared cost APC in this circumstance even if they are in the 50/50 section.

The cost of purchasing the amount of lost pension for the unpaid leave period can be a shared cost with the Council, providing you elect to make the purchase within 30 days of the end of the career break. In these circumstances the Council will pay two thirds of the total cost and you will pay one third. If the election is made after the 30-day deadline, the Council is not required to make a contribution and the full cost has to be met by the employee.

Employees who wish to obtain a quote for an APC can use the modeller on the national Local Government Pension Scheme (LGPS) website by accessing the following

<https://www.lgpsmember.org/help-and-support/tools-and-calculators/buy-lost-pension-calculator/>

Before using the calculator, you will need to find out from us, the amount of pensionable pay you would have been paid if you had not been away from work. You may wish to keep

a written record of this. Once you have this figure, you can use the calculator to find out the amount of lost pension and how much it will cost to buy it back.

To obtain a statement of the pensionable pay, an employee should email SMBC's Pensions Team at the following email address:

pensions@solihull.gov.uk

You should print off and sign the modeller and send to the SMBC HR Pay & Administration - Pensions Team who will sign it and return to you so that you can send it together with the statement of pensionable pay lost to the WMPF at the following address with a covering letter requesting that you wish to purchase pension lost due to Authorised Unpaid Leave:

West Midlands Pension Fund
PO Box 3948
Wolverhampton
WV1 1XP
Or email to PensionFundEnquiries@wolverhampton.gov.uk

The WMPF may require you to complete a medical questionnaire before instructing SMBC to action the required pension deduction on payroll. SMBC cannot process any application until they receive notification from the WMPF and the deduction will be made on the next possible payroll run following receipt of the instruction to deduct from the fund.

Career breaks of more than 12 months

For career breaks of more than 12 months, where a contract of employment has been terminated, LGPS members will be treated as a leaver on their original pension record and notification will be sent to West Midlands Pension Fund that active membership has ceased. The existing pension record will be classed as a deferred record – that is one on which benefits become payable at retirement age or earlier retirement event (i.e. ill health retirement).

Upon returning from a career break, a new pension record will be created and the member has the option to amalgamate their deferred record with their new record. An LGPS member has twelve months from returning to request the amalgamation of their previous record.

All LGPS members have the option to buy Additional Pension Contributions (APCs) if they wish to increase their pension benefits unless they are members of the 50/50 section. The Council will not contribute towards the cost of purchasing Additional Pension Contributions (APCs) if LGPS members are seeking to buy extra pension to mitigate the pension not accrued during a career break where such career break is more than twelve months.

Additional pension contributions (APCs) were introduced in the new LGPS from April 2014 and replace the previous additional contributions known as additional regular contributions. Comprehensive guidance on APCs can be found in paragraph 16 of the Local Government Pension Scheme Regulations 2013:

<https://www.legislation.gov.uk/ukSI/2013/2356/made>

The cost of purchasing APCs depends on your age at your last birthday before the date contributions start, your sex, your anticipated normal pension age under the 2013

Regulations and on the payment period selected. The Governments Actuary's Department (GAD) publishes the factors and guidance regarding APCs in the document "Local Government Pension Scheme (England and Wales): Purchase of additional pension – Elections on or after 1 April 2014. Factors and guidance". This is published on the www.lgpsregs.org website here:

<https://www.lgpslibrary.org/assets/actgui/ew/AddPen20190301Post14.pdf>

General information for members regarding APCs can be found on the LGPS website at the links below:

Buying extra pension:

<https://www.lgpsmember.org/your-pension/paying-in/paying-more/>

Employees who wish to obtain a quote for an APC can use the modeller on the national Local Government Pension Scheme (LGPS) website by accessing the following:

<https://www.lgpsmember.org/help-and-support/tools-and-calculators/buy-extra-pension-calculator/>

You should print off and sign the modeller and send to this to West Midlands Pension Fund:

West Midlands Pension Fund

PO Box 3948

Wolverhampton

WV1 1XP

Or email to PensionFundEnquiries@wolverhampton.gov.uk

The WMPF may require you to complete a medical questionnaire before instructing SMBC to action the required pension deduction on payroll. SMBC cannot process any application until they receive notification from the WMPF and the deduction will be made on the next possible payroll run following receipt of the instruction to deduct from the fund.

Teachers' Pension Scheme

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.

Teachers can elect to purchase additional pension contributions to increase their retirement benefits and further information can be found here:

For more details on the scheme and how unpaid leave affects your pension, please contact Teacher's Pension Service direct on 0345 6066166 (BT local rate number) 8.30am – 6pm Monday to Friday. www.teacherspensions.co.uk.

NHS Pension Scheme

Career breaks can affect the pension benefits members are entitled to in a detrimental way if they opt to apply for ill health retirement or in the event of their death.

Please note if the member is having a career break; an employee may choose to continue

making contributions to the NHS Pension Scheme during a career break; prior to the break the employee should make this decision in respect of their pension. Arrangements for continuing payments must be made prior to commencement of the break.

For the first 6 months 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.

If contributions are not made as agreed, the employee's pension record will be closed from the date of the last contribution.

For more information, please contact the [NHS Pension Scheme](#) on telephone number 0300 3301 346.

Employees**Q. Is a career break only available in certain circumstances?**

The following list is not exhaustive but reasons may include:

- Time away from work to cope with domestic responsibilities
- Additional time off with your family after maternity/adoption leave
- To study
- Taking up an opportunity to undertake voluntary work either home or overseas
- Because of their own health and wellbeing
- Wanting to travel or to accompany their spouse or partner during their employment overseas
- Religious commitments or pilgrimages
- Preparation for a major sporting event

- To care for and/or to offer support to someone who is a dependant (if need more than 3 month's carer break as detailed in the Carer's policy).

Q. What happens if I want to take a career break after maternity leave/adoption leave?

You can apply for a career break to immediately follow on from your unpaid period of maternity/adoption leave. The employee should start the application process and discuss the request with their line manager prior to commencing their leave, where possible. However, the application need not be considered and agreed until 3 months before the maternity/adoption leave is due to end.

When it is to carry on from paternity or parental leave the normal application procedure should be followed, i.e. they should submit their application giving 3 months' notice prior to the start date of the paternity or parental leave, wherever possible.

Q. Can I extend my career break?

Career breaks are normally only for the agreed period up to a maximum of 12 months if the employee wants to remain an employee. Any request to extend an existing career break must be made using an application form and give the normal notice period. The manager can refuse an application to extend the career break based on service requirements. Extensions can only be granted once the authorising Manager agrees and can only be up to a maximum of 2 years and would require the employee to resign.

Q. What happens to my pay if I miss a pay award whilst on a career break?

On return from an unpaid career break (no more than 12 months) with the contract still in force, you would normally return to your substantive post on the spinal column point in place at the commencement of the career break; there is no automatic entitlement to incremental progression during the unpaid leave. It is important that PDR records are up to date when you go on a career break as the pay award you may have missed will be revisited on the return to work, based on your performance before you went on a career break. Please see section 5 on PDRF on how the process can be adjusted whilst on leave.

Q. Can I work elsewhere whilst on a career break?

No. It is a condition of the career break scheme that you do not take up other paid work during the break. The only exceptions to this are listed in section 7 and would need prior written approval from the Council.

Q. What happens if I become ill during a career break?

For career breaks of 12 months or under, you would not be entitled to any contractual sick pay, but you may be entitled to statutory sick pay subject to meeting the qualifying conditions (see the [government web pages](#)). A career break is likely to affect eligibility and/or the amount of statutory sick pay to which you are entitled, and it may depend on how long your career break is for and when in the career break you are sick. If you become ill with a long-term illness or disability, we would encourage you to contact Human Resources at the earliest opportunity.

For career breaks of over 12 months, your contract will have terminated so you would not be entitled to any sick pay. You can contact the Department of Work & Pensions to clarify eligibility to sickness related benefits.

You will still have access to the Employee Assistance Programme for up to 12 months after starting your career break should you need any advice on personal or financial issues.

Q. What happens if I become pregnant whilst on a career break?

Please contact the HR Pay & Admin team at the earliest opportunity to discuss your situation.

In terms of maternity leave and pay, this will depend on the duration of your career break and if the contract of employment is still in force. You may still have a right to an element of statutory maternity pay depending on the date you leave and qualifying service. We will need to look at the 'qualifying week', which is the 15th week before the Expected Week of Childbirth (EWC) to establish what financial support, if any, you are entitled to. A pregnant employee will be entitled to be paid statutory maternity pay if they have a minimum of 26 weeks' continuous service as at the end of the 15th week before the week the baby is due, if their average weekly earnings are equal to or greater than the lower earnings limit for national insurance contributions; and if they are still employed by the employer during the qualifying week.

If your career break is 12 months or under, you can still take maternity leave and then choose whether to resume your unexpired career break at the end of your maternity leave or return to work.

You may still qualify for Occupational Maternity Pay; however it should be noted that a qualifying condition to this pay, is that you must return to your job for at least 13 calendar weeks (including periods of school closure), otherwise the 12 weeks half pay must be refunded to Solihull MBC. If you are unsure whether you will return to work, it might be wise to choose option 1 and receive the lump sum pay on return to work.

If your career break is over 12 months, the contract is no longer in force so you cannot take maternity leave, however, you may still be eligible for SMP depending on the date you leave and your EWC. If you do not qualify, you may be eligible for a Maternity Allowance from the Department of Work & Pensions.

Please see section 10 and also refer to the Maternity Leave policy for details on qualifying dates.

Managers FAQs

Q. As a line manager, what should I consider before agreeing to a request?

You should give every application careful consideration and always discuss it with the HR Advisor if you have any concerns. In considering whether a request can reasonably be accommodated, you should take a number of factors into account.

These include:

- How long will the career break last?
- How you are going to cover the vacancy, and are there alternative methods for covering the work?
- Can you afford to lose this team member's skills and knowledge?
- What are the benefits of the career break to the Council?
- Will there be difficulty in replacing the individual's skills for the duration of the career break?
- If you cannot accommodate their request, what will the impact be, will they leave anyway?
- What are the likely costs involved in replacing the team member during their career break, balanced against the costs of replacing them permanently?
- What will be the impact on the team?
- What are the budget implications?
- What is the current/projected workload of the department?
- Are any other members of the team already absent, i.e. on maternity leave, long term sickness, career break?

Q. On what grounds can I refuse an application?

Career breaks are granted on a discretionary basis. It is not a justifiable reason to refuse a request solely because you are unsure if you will have a vacancy when the individual returns from their career break.

If it is not possible to agree the application, discuss your reasons with the employee and confirm these in writing (see section 4 for more details). You should also consider whether other arrangements, such as flexible working, could help the individual meet domestic responsibilities or achieve their personal development objectives.

There may be occasions when it is not possible to agree to the length of the career break because of the needs of the service, in such instances, you and the employee should consider a shorter break or deferring the request for a short while. There must always be robust evidence to support the reason for declining an employee's request for a career break.

Q. How should I fill the gap?

You can employ an interim person to cover the work in the same way as you would cover someone on maternity leave or long-term sickness absence.

Depending on the nature of the work and proposed length of career break, options for cover would normally include:

- leaving the post vacant
- an acting-up / secondment arrangement
- appointing an agency worker

- employing a fixed term worker

Managers should contact their HR Advisor for further advice and also refer to the Secondments, Acting Up & Honorarium guidance. The Council have a number of displaced employees on the Redeployment Register who are seeking redeployment, so this should also be considered as an interim replacement.

Q. What happens if I have to restructure my department while they are on a career break?

For those on a career break of 12 month's or under, if during the break the employee's department or role is restructured or altered, you must ensure that those individuals are treated in the same way as those who are in work at the time provided they are contactable. You should make every effort to contact the individual to consult them on changes in accordance with the Management of Change policy and it is expected that the employee will engage in the process.

If a redundancy situation occurs for these employees, the selection criteria must be fair and not discriminate against those who are absent. However, the individual should make themselves available for selection interviews (including video/phone interviews) if reasonably practicable.

For those on longer career breaks who have resigned from the Council, it is good practice to inform the individual of the planned changes for their information, though it is not necessary to involve them in any Management of Change programme as they are no longer employees and have no redundancy rights.

Q. What should I do if I get multiple requests for a career break within the team?

There is no right or wrong way of dealing with requests, and you may wish to deal with them in order of when they were received. However, it will always be necessary to look at each individual request on its own merits and to ensure that any refusal is supported by evidence. Decisions should be made fairly and care should be taken to ensure there is no indirect or direct discrimination to employees. Managers will need to take into consideration the size of the team, any recruitment or retention difficulties, the nature of the work, impact on the service etc.

Where competing requests have been made, it may sometimes be possible to agree a compromise in which the manager agrees changes that go some way towards meeting both/all the requests, even if no request for is granted in full.

Q. Can I ask the employee to come in and work for a couple of weeks whilst they are on a career break if we have staff shortages during a busy period?

In these circumstances there should be no requirement for the employee to agree. The employee may well be away or unable to work due to the reason they have taken the break in the first place. In exceptional circumstances, and if there is mutual agreement on both sides, then it would be OK to engage the employee for a short period.

If the employee is on a career break of 12 months or less and the contract of employment is still in force, the employee should not be working for more than 1 week. If the employee is willing to do this, the line manager will need to contact the HR Pay & Admin team for further advice on how to proceed.

If the employee is on a career break of more than 12 months and has resigned, a casual contract would need to be set up as a separate arrangement.

Q. What happens if the employee was in an active HR process when they request to go on a career break? e.g. in the sickness absence management process

The implications of how an ongoing process may affect both the employee and the Council will need to be determined on a case-by-case basis, in collaboration with your HR Advisor taking into consideration the reason for the request, the duration of the break and the process being managed. In some circumstances, a career break may not be the most appropriate arrangement. For example, career breaks should not be used instead of sickness absence leave to delay the next stage of the formal process. Career breaks can affect the pension benefits members are entitled to in a detrimental way for example if they opt to apply for ill health retirement, so should be carefully considered before making a request.