



Employment Break Policy

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Linked procedural documents	Maternity Leave and Pay Policy Business Travel Policy Flexible Working Policy Carers Leave Policy Special Leave Policy Annual Leave Policy Professional Registrations Policy Driving Licence Procedure Attendance and Sickness Absence Policy Long Service Awards Standard Operating Procedure (SOP)
Dissemination requirements	All Trust employees by intranet
Part of Trust's publication scheme	Yes

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The East of England Ambulance Service NHS Trust (EEAST) has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups.

EEAST recognises its obligations of supporting the requirements of the Modern Slavery Act 2015 and any future legislations. A prime objective of EEAST is to eradicate modern slavery and human trafficking and recognises the significant part it must play in both combatting it and supporting victims. EEAST is committed to ensuring that its supply chains and business activities are free from any ethical and labour standards abuse.

All Trust policies can be provided in alternative formats.

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1. Introduction

- 1.1 Here at EEAST we recognise that during your working life there may be times that you wish to take a longer period away from work than what is currently provided by existing leave arrangements.
- 1.2 Our Employment Break Policy aims to allow you to balance the demands and responsibilities of your personal life with work commitments and service needs.

2. Purpose

- 2.1 The purpose of this policy is to provide a guide for you and your line manager, outlining if you are eligible for an employment break, how to apply, how your request will be considered and let you know the effect on your employment terms and conditions.
- 2.2 This policy should be viewed together with other policies, such as our Flexible Working Policy, Carers Leave Policy, Special Leave Policy.

3. Scope

- 3.1 This policy applies to all employees who have 12 months continuous service with EEAST.

4. Duties

- 4.1 **Line Managers** are responsible for:
 - actioning applications for employment breaks fairly and equally in accordance with this policy,
 - ensuring that GRS is updated correctly for any approved employment breaks,
 - arranging completion of a HR2a form and obtaining the employee's signature when employment breaks are taken.
- 4.2 **Employees** are responsible for:
 - requesting employment breaks with as much notice as possible, and within the policy timeframes,
 - completing the relevant application form and signing a HR2a form for approved employment breaks.

- complying with the process and agreements contained in this policy.
- maintaining professional links, such as membership of professional organisations and continuous professional development requirements, as well keeping up to date with knowledge in your field.

4.3 **HR and Trade Union Representatives** are responsible for providing advice and guidance to managers and employees on the application of this policy and procedure.

5. Eligibility

5.1 You do not need to resign to take an employment break however, to qualify:

- you must have a minimum of 12 months continuous service with EEAST,
- you should have an intention of continuing your career with EEAST,
- you can only make one application in any 12-month period.

5.2 You can apply for more than one employment break during your employment provided it meets the terms of this policy and procedure.

6. What employment breaks can be used for

6.1 The main reasons that a request for an employment break will be considered are if you:

- have caring responsibilities, for example, childcare, eldercare, care for another dependent,
- are going on extended periods of travel or voluntary service abroad,
- are undertaking further education / study leave.

Other reasons will be considered on their individual merits.

6.2 You will not normally be allowed to take up paid employment with another employer during your employment break, except where for example, work overseas or charitable work could broaden work-related/job specific experience. In such circumstances, your manager will need written authority from the budget holder, who will seek advice from an HR representative.

7. Length of break

- 7.1 An employment break can last for a minimum of three months and a maximum of five years.

If you are considering a break of less than three months, please refer to available options under an alternative policy, for example the Annual Leave Policy, Special Leave Policy.

8. Benefit Schemes

- 8.1 It is important to note that some EEAST provided benefit schemes and salary sacrifice schemes may be impacted by an employment break:

- A holder of a salary sacrifice car may be required to return this and pay a termination penalty (**see Section 11.4**) for lease cars).
- A member of EEAST's childcare voucher scheme may lose eligibility to be in this scheme.
- A cycle to work participant would be required to settle any outstanding amount from their final pay preceding an employment break.

- 8.2 If you contribute to any of the above schemes you should seek advice from Finance before submitting an Employment Break Application Form.

9. How to apply

- 9.1 To request an employment break you should complete Part A of the **Employment Break Application Form (POL094-01)**, available on the intranet, and submit to your line manager at least three months before you want your employment break to start.

In exceptional circumstances, your request may be considered with less than three months' notice, but this is likely to impact the ability of your manager to agree your request.

- 9.2 Your line manager, in conjunction with an HR representative, will carefully consider your request, taking into account the impact on service delivery and any effect on colleagues, to decide whether:
- it can be approved,
 - it will be denied, or

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- a compromise can be suggested, for example deferring the break to a more suitable time.
- 9.3 Your line manager will respond to you as soon as reasonably practicable by completing Part B of your application form and returning this to you. This would usually be within 28 days; however, your manager may require additional time in certain circumstances. For example, to request additional information, to assess the impact on service delivery or assess how to cover your role or responsibilities.
- 9.4 If your employment break has been approved your application form will form the written agreement between you and EEAST, and it must be in place before your break commences.
- 9.5 If your employment break could not be approved your application form will explain the reason(s) why.
- 9.6 If you feel that the reasons for the request not being agreed are unfair or unjustified, you can raise your concerns through Stage 2 (Formal Grievance) of the Grievance Policy.

10. Pay during an employment break

- 10.1 Whilst you are on your employment break the total period will be unpaid.
- 10.2 Your line manager will update GRS and arrange completion of an HR2a Form which confirms:
- that you are taking an unpaid employment break,
 - the date(s) requested and agreed.
- 10.3 Your line manager will arrange for you to sign the completed HR2a form and submit this to HR Support Services. This must be completed by the 5th of the month in which the employment break commences.
- 10.4 If you become pregnant during your employment break, please refer to the Maternity Leave and Pay Policy for further information, including any entitlements to statutory or occupational maternity leave and pay.

11. Returning Trust property

- 11.1 You must ensure that all Trust property and equipment is returned for the duration of your employment break. This includes, but is not limited to, lease cars, ID badges, uniform, mobile phones, IT equipment, data, or documents.

You should liaise with your line manager to make arrangements for any items that were issued via a reasonable adjustment.

- 11.2 You must make the necessary arrangements to return all Trust property to your line manager, or relevant point of contact, by your last working day before your employment break starts.
- 11.3 Any Trust related e-mail addresses including NHS Net accounts will be disabled for the duration of your employment break.

11.4 **Lease cars**

- 11.4.1 Prior to the commencement of your employment break:

- you must return your lease car (see **Section 11.1**), and
- you will be expected to pay any associated termination costs, so that there is no charge to EEAST during your employment break period.

- 11.4.2 In certain circumstances, we may allow you to retain the lease car during your employment break period. If so, arrangements should be made to continue the associated payments.

- 11.4.3 All payments due at **Section 11.4** must be paid prior to the commencement of your employment break. These will normally be deducted from your salary by payroll, where there are sufficient funds, or can be made via an alternative payment method, for example cheque or direct debit.

- 11.4.4 If you have been issued a lease car you should seek advice from Fleet and/or Finance before submitting an Employment Break Application Form.

12. **Keeping in touch**

- 12.1 During the application process you and your line manager must make arrangements for keeping in touch during your employment break, and your line manager will confirm the details as part of your Employment Break Application Form.

- 12.2 If you do not maintain the agreed contact, then the arrangement can be deemed null and void on the basis that you have failed to comply with the rules of the employment break. In this event, your line manager may choose to follow the process outlined in **Section 21.2** of this policy to terminate your contract of employment.

13. Effect on your current terms and conditions

- 13.1 The period of the employment break will count towards your continuous employment for statutory purposes.
- 13.2 All other provisions including terms and conditions which have a dependency upon contractual or reckonable length of service are paused for the period of your employment break. For example, contractual redundancy pay, sick pay, annual leave entitlements.

14. Pensions

- 14.1 Payroll will write to you with the option to have an employment break as a pensionable or non-pensionable break.
- 14.2 Pension contributions will stop during your employment break unless you take steps to continue them. If you wish to make up your contributions, you must contact Payroll and an HR representative.

You are responsible for liaising with pensions to ensure that you receive the appropriate advice.

- 14.3 If you have requested to continue your pension contributions, you are responsible for ensuring that contributions are made on a monthly basis during your employment break.
- 14.4 Retrospective requests to make payment contributions would not normally be accommodated and would be dependent on the Pension Scheme rules at the time. Therefore, it is strongly advised that if you wish to continue your contributions, you do so on the required monthly basis during your employment break.

15. Returning on Flexible Working Arrangements

- 15.1 If you wish to return from your employment break on a flexible working arrangement, you should refer to and submit a request in accordance with our Flexible Working Policy.

The process can take up to two months to complete, longer in exceptional circumstances, so please allow sufficient time for your Flexible Working Application to be considered prior to your return to work.

- 15.2 If the request was not submitted in sufficient time for the process to be completed you will be expected to return on your previous arrangements pending the completion of the full process.
- 15.3 A refusal of a flexible working request does not affect your right to return to your job under your original contract.

16. Professional registration

- 16.1 Where these are an essential requirement of your role, you are required to keep up to date with and meet any requirements of your relevant professional registration body.
- 16.2 It is your responsibility to ensure that you are appropriately registered, and you should provide evidence of this to your line manager on return from your break. Any costs associated with this will be your responsibility.
- 16.3 For further advice and guidance please contact your manager and/or HR representative.

17. Returning to work

- 17.1 If you return from an employment break within one year, the same job will be available as far as is reasonably practicable.
- 17.2 If you return from an employment break which lasts longer than one year, you may return to as similar a job as possible on the same band. Rota lines are not protected and, if you work on a rota, a post will be provided based on the needs of the service at the time. For A&E operational staff, this may mean returning to scheduling support, relief, or a different location. This list is not exhaustive.
- 17.3 You will return to work at the equivalent salary level, reflecting any increases awarded during your employment break.
- 17.4 If you wish to return from your employment break early you must give your line manager the following notice:
 - two months if the break is less than a year; and

- six months if the break is more than a year.

18. Reinduction to the workplace

- 18.1 If you have had less than a 12-month break, your line manager should arrange an appropriate orientation or induction giving due regard to the length of the break. This may take place on your return or if appropriate, in the 3 months leading up to your return.
- 18.2 If you have had more than a 12-month break, you and your line manager should put in place an appropriate plan for your return to work, including reviewing any previously agreed reasonable adjustments.
- 18.3 Should your role involve driving under emergency conditions or transporting patients, your line manager will complete a driving licence check in accordance with the Driving Licence Procedure, and you may be required to be re-assessed for driving competency as part of the return-to-work process.
- 18.4 If you do not meet the necessary standard of proficiency, you will be supported in accordance with the appropriate procedure and/or policy, for example, Performance and Capability, Disciplinary Policy.
- 18.5 You may be expected to undertake training when you return to work, for example clinical competence, Call Handler, and Dispatcher assessments. The content and duration will depend on the length of the break, the post, and any changes in working practices, legislation, or policy.
- 18.6 Should the necessary standard of proficiency not be met, you will be supported in accordance with the appropriate procedure / policy, for example, Performance and Capability Policy, Disciplinary Policy.

19. Sickness management

- 19.1 If you choose to take an employment break, your sickness absence 12-month rolling period will be paused until you return, and your episodes of absence will continue to be managed as per the Attendance and Sickness Absence Policy.

20. Extending the duration of the break

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- 20.1 Requests to extend your employment break must be submitted in writing to your line manager providing at least 3 months' notice using the **Extension to Employment Break Application Form (POL094-02)**. In exceptional circumstances, this notice period may be reduced.
- 20.2 Your line manager will consider and respond to your application in accordance with **Section 9.2 and 9.3**.

21. Not returning to work

- 21.1 If you wish to terminate your contract of employment during your employment break, you must provide written notice according to your contract of employment.
- 21.2 If you fail to return to work on the specified date without seeking a formal extension to your break, this will be considered an unauthorised absence / breach of contract and as such may be managed under the Disciplinary Policy. This could include action up to and including dismissal.

22. Restructures and redundancy

- 22.1 If you are on an employment break you will be included in consultation arrangements as per our Change Management Policy.
- 22.2 Being on an employment break does not afford special protection against redundancy, neither will it be used as a reason for identifying the post as redundant.
- 22.3 Reasonable steps will be taken to include you in the process; however, changes will not be unnecessarily delayed if you are unavailable despite our best attempts to consult with you.

23. Long service awards

- 23.1 As the criteria for each award can differ, if you are taking an employment break you should refer to the Long Service Award SOP for any effects on your eligibility to receive individual awards.

24. Policy review

- 24.1 This policy will be reviewed on a three yearly basis or amended in the light of new employment legislation and/or relevant case law.

Appendix A**Equality Impact Assessment**

EIA Cover Sheet			
Name of process/policy	Employment Break Policy		
Is the process new or existing? If existing, state policy reference number	Existing (POL094)		
Person responsible for process/policy	HR		
Directorate and department/section	People Services		
Name of assessment lead or EIA assessment team members	HR Policy Subgroup		
Has consultation taken place? Was consultation internal or external? (please state below):	Internal consultation through HR Policy Subgroup members		
The assessment is being made on:	Guidelines		
	Written policy involving staff and patients	X	
	Strategy		
	Changes in practice		
	Department changes		
	Project plan		
	Action plan	X	
	Other (please state)		

Equality Analysis																					
What is the aim of the policy/procedure/practice/event? This policy is to provide a guide for employees and line managers, outlining who is eligible to take an employment break, how to apply, how requests will be considered and explaining the effect on employment terms and conditions.																					
Who does the policy/procedure/practice/event impact on? <table border="0" style="width: 100%;"> <tr> <td>Race</td> <td><input type="checkbox"/></td> <td>Religion/belief</td> <td><input type="checkbox"/></td> <td>Marriage/Civil Partnership</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Gender</td> <td><input type="checkbox"/></td> <td>Disability</td> <td><input type="checkbox"/></td> <td>Sexual orientation</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Age</td> <td><input type="checkbox"/></td> <td>Gender re-assignment</td> <td><input type="checkbox"/></td> <td>Pregnancy/maternity</td> <td><input type="checkbox"/></td> </tr> </table>				Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>	Gender	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Sexual orientation	<input type="checkbox"/>	Age	<input type="checkbox"/>	Gender re-assignment	<input type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>
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Age	<input type="checkbox"/>	Gender re-assignment	<input type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>																
Who is responsible for monitoring the policy/procedure/practice/event? HR																					
What information is currently available on the impact of this policy/procedure/practice/event? Having reviewed and updated the policy and completed a full consultation process, no negative impact was raised, and with the evidence available there is no negative impact.																					
Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? No																					
Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes/No, if yes please provide evidence/examples: No <table border="0" style="width: 100%;"> <tr> <td>Race</td> <td><input type="checkbox"/></td> <td>Religion/belief</td> <td><input type="checkbox"/></td> <td>Marriage/Civil Partnership</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Gender</td> <td><input type="checkbox"/></td> <td>Disability</td> <td><input type="checkbox"/></td> <td>Sexual orientation</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Age</td> <td><input type="checkbox"/></td> <td>Gender re-assignment</td> <td><input type="checkbox"/></td> <td>Pregnancy/maternity</td> <td><input type="checkbox"/></td> </tr> </table> <p>Please provide evidence:</p>				Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>	Gender	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Sexual orientation	<input type="checkbox"/>	Age	<input type="checkbox"/>	Gender re-assignment	<input type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>
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Age	<input type="checkbox"/>	Gender re-assignment	<input type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>																
Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? Yes/No, if so, please provide evidence/examples: No																					

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Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Sexual orientation	<input type="checkbox"/>
Age	<input type="checkbox"/>	Gender re-assignment	<input type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>

Please provide evidence:

Having reviewed and updated the policy and completed a full consultation process, no negative impact was raised, and with the evidence available there is no negative impact.

Action Plan/Plans – SMART

Specific

Measurable

Achievable

Relevant

Time Limited

Evaluation Monitoring Plan/how will this be monitored?

Who – see Monitoring Table

How

By

Reported to

Appendix B - Monitoring Table

What	Who	How	Frequency	Evidence	Reporting arrangements	Acting on recommendations	Change in practice and lessons to be shared
Audit of employee experience, and that the policy and procedure is being applied consistently, fairly, and accurately for all employees.	Head of HR People Partnering	Monitor ESR and ER Tracker data	Annually	ESR Employment Break records	Reported to and discussed at People Committee where required	Head of HR People Partnering will address any actions or changes required.	Any change in practice will be identified and: <ul style="list-style-type: none"> • process updated with HR People Partnering team • HRBP / line manager training implemented • policy updated where required.