



NOTTINGHAMSHIRE
POLICE

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PD 039 Career Break Procedure

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Table of Contents

SECTION 1	VERSION CONTROL	2
SECTION 2	BACKGROUND	3
SECTION 3	AIMS / OBJECTIVES	3
SECTION 4	DETAILS	3
4. 1	Duration of career break	3
4.2	Applying For Career Break	3
4.3	Appeals.....	4
4.4	Career Break Agreement.....	4
4.5	Maintaining contact with the Force during career break	4
4.6	Review.....	5
STATUS DURING CAREER BREAKS – POLICE OFFICERS		5
4.7	Pay and pensions.....	5
4.8	Posting on return to work	6
4.9	Police Equipment	6
4.10	Recalled to duty	6
4.11	Secondary Employment / Business Interests	6
4.12	Maternity /Paternity leave.....	7
4.13	Annual Leave	7
4.14	Membership of Police Federation.....	7
STATUS DURING CAREER BREAKS – POLICE STAFF		7
4.15	Pay and Pensions	7
4.16	Substantive Position.....	8
4.17	Police Equipment	8
4.18	Recalled to duty	8
4.19	Secondary Employment	9
4.20	Annual Leave	9
4.21	Maternity /Paternity leave.....	9
4.22	Membership of Trade Union.....	9
RETURN TO WORK		9
4.23	Police Officers	9
4.24	Police Staff	10
SECTION 5	LEGISLATIVE COMPLIANCE	10

SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	-	-	-	-
2.0	Dec 2007	Lisa Poole	Principal Personnel Officer	Review and update
3.0	July 2012	Sue Peckham	Senior HR Partner	Complete review and update

SECTION 2 BACKGROUND

Nottinghamshire Police is committed to delivering the highest standards of policing to the communities of Nottinghamshire through the utilisation of a highly trained, skilled and motivated workforce.

Fundamental to that commitment is the development of work-life balance initiatives that will enhance the maintenance of an efficient, effective and diverse workforce.

Nottinghamshire Police acknowledges that changes in people's circumstances may lead to those who have joined the service to take a break from their chosen career, with a view to a return to the organization. This career break scheme offers this facility, subject to meeting certain provisions and conditions.

SECTION 3 AIMS / OBJECTIVES

The objective of the procedure is to provide the relevant information regarding a career break from Nottinghamshire Police. The procedure provides a comprehensive process to guide individuals and managers. The aims of the procedure are to:

- Provide the relevant information to individuals regarding the career break scheme.
- Provide managers and supervisors with the relevant information to manage a career break from Nottinghamshire Police.

SECTION 4 DETAILS

4.1 Duration of career break

Police officers and police staff that meet the criteria can apply for a career break for a minimum of six months up to a maximum period of five years.

The Head of HR& OD has the discretion to extend the period of career break beyond the prescribed maximum period in exceptional circumstances. The period of the career break for police officers should not extend beyond normal retirement age.

4.2 Applying For Career Break

Police officers and police staff considering applying for a career break should first familiarise themselves with the contents of the policy and the procedure; paying particular attention to status during career break – conditions of service.

Police officers and police staff are advised to discuss fully the proposed career break with their relevant line manager before making a formal application.

Police officers and police staff wishing to apply for a career break must submit their application form via their line manager, not less than twelve weeks before they wish to commence a career break. Once the form has been sent to the line manager, the applicant will receive an email confirming receipt.

The line manager will be responsible for informing the HR Department of the application and making recommendations via the form regarding the person's eligibility to take a career break. They should discuss the application with the individual and make a recommendation to the Divisional Commander/Head of Department.

The Divisional Commander/Head of Department or designated deputy has the authority to approve or refuse an application for career break. The decision as to whether to accept or reject the individual's application should be notified within 28 days of receipt of the application. Where the application is rejected, the decision should be documented and written reasons for the rejection should be provided.

4.3 Appeals

The applicant may submit notice of appeal to the Head of HR&OD within 28 days of receipt of the written notification of refusal.

The appeal will independently view all the information provided by the applicant, line manager and Divisional Commander/Head of Department or designated deputy.

The decision to uphold or reject the appeal by the Head of HR &OD will be final. The Head of HR & OD will communicate the decision in writing within 14 days of receipt of the appeal.

4.4 Career Break Agreement

On commencement of the career break the individual will be asked to sign a formal agreement, which will apply for the duration of the career break. This agreement will be completed on the form G2007.

This will be a standard force agreement between the Divisional Commander/Head of Department or designated deputy and the individual. It should cover the obligations and expectations of the force and any individual in relation to:

- Commencement and end date of the career break
- Reason for the career break
- Use of Police Powers (if applicable)
- Codes of conduct
- Status during the break - Conditions of service

4.5 Maintaining contact with the Force during career break

The responsibility for maintaining contact during a career break will rest as much with the individual as with the force. All police officers and police staff must provide a current point of contact (phone number and/or email address) and address whilst on an approved career break in order that regular contact can be maintained.

Where the break has been approved for the purpose of travel, staff will be required to provide the details of a resident of the United Kingdom who is able to make contact with them whilst abroad.

It is the responsibility of the individual to update their line manager and the HR Department within 28 days of any changes to the contact details during their period of career break.

Keeping in touch is an important element of the Career Break Scheme and helps ease the return to work process. The line manager will provide as a minimum six monthly contact with the individual and record the details on the operational file. The individual must also notify their line manager of any changes that may arise that have implications for their returning to the workplace on the agreed date.

It is incumbent upon the individual to keep abreast of current developments through accessing the force website at Nottinghamshire Police on a regular basis.

The HR Department will carry out an audit on an annual basis to ensure that the details of staff on Career Break are correct.

4.6 Review

At the commencement of a career break, the Divisional Commander/Head of Department or designated deputy and the individual will sign an agreement, which will clearly define the obligations and expectations of both the force and the individual. This may be reviewed at any time during the career break by agreement between the Head of HR & OD and the individual. In all cases, the HR Department will review the individual and their circumstances annually.

Police officers and police staff will be under a general duty to inform their line manager of any circumstances, which may affect the agreed objectives, or timescales of a career break.

Where there are reasonable grounds for believing that the agreed objectives and timescales of a career break may no longer be achievable, the individual may be required to attend a review meeting with their line manager and HR Advisor. As the result of such a review, an individual may be required to return to duty, after a minimum notice period of 1 month. However the individual may make representations in writing to the Head of HR & OD before a final decision is reached.

The individual's right to privacy will be balanced against the Chief Constable's need to know.

STATUS DURING CAREER BREAKS – POLICE OFFICERS

Police officers will continue to be regarded as engaged under the direction of the Chief Constable Nottinghamshire Police, and will therefore remain subject to Police Regulations and Codes of Conduct as per Police (Conduct) Regulations 2008. Acts of misconduct committed whilst on a career break will be dealt with in the usual manner.

4.7 Pay and pensions

A career break is regarded as unpaid leave and, therefore, the duration of the break does not qualify for the purposes of reckoning entitlement to pay and annual leave. An officer's rank and pay point will be protected and on return will be on the same basis as before, subject to any changes in Regulations, PNB agreements or Home Office Circulars. Provision should be made for granting any remaining annual leave entitlement due to the officer before the commencement of the career break.

Police officers will not be entitled to housing or rent allowance for the duration of the career break. They will, however, retain their current entitlement and dependent on their circumstances, the appropriate payments will resume on their return.

In accordance with the Police Pension Regulations there is no facility to pay contributions for periods of unpaid leave in respect of a career break. This period is not classed as membership and is therefore not reckonable. It remains open to an officer to make good any shortfall in pension benefits caused by a career break by serving on to complete the full reckonable service.

An officer remains a member of the force whilst on career break and therefore remains part of the Police Pension Scheme, unless he/she has made an election to opt out of the Police Pension Scheme. The period spent on career break should therefore be treated as qualifying (but not reckonable) service. As a result, the member remains subject to the scheme's death-in-service and enhanced medical retirement provisions. They also continue to be covered by the injury benefit provisions where applicable.

4.8 Posting on return to work

There is no guarantee that the police officer will return to their original Post/Area/Department following a career break. The HR Department will be responsible for identifying an alternative suitable post in line with the current posting procedure.

4.9 Police Equipment

Warrant cards, uniforms and equipment will be returned to the HR Department prior to the commencement of the career break.

4.10 Recalled to duty

Unless required to attend court, police officers will not normally be recalled to duty during a career break. However, in conditions of extreme emergency (major disasters and the implementation of business continuity plans), police officers must be prepared to return to duty at short notice.

4.11 Secondary Employment / Business Interests

Police officers will not normally be permitted to take up secondary employment. However if they need to obtain secondary employment for the purpose of financially supporting their career break, prior approval must be obtained by the Head of HR & OD. Any anticipated conflict between the needs of Nottinghamshire police and the individual may lead to the request being refused. If alternative employment is sought during the period of the career break then authority will similarly be required.

Any business interest must be declared to Professional Standards Department in accordance with the existing policy.

4.12 Maternity /Paternity leave

Police officers whilst on a career break are entitled to the same maternity/paternity benefits as those not taking a career break. An officer on a career break who becomes pregnant should give notice as soon as reasonably practicable of the expected date of confinement. The provisions of the maternity scheme will then take effect and the career break will be suspended. Resumption of the career break in due course shall be subject to a further agreement between the Head of HR & OD and the officer. Similarly police officers who qualify for Paternity Leave should give notice as soon as reasonably practicable.

4.13 Annual Leave

Annual leave and public holiday leave will not accrue, nor will there be payment in lieu, during the career break. Any outstanding annual leave, take in lieu and/or re-rostered rest day entitlement must be taken before the commencement of the career break.

4.14 Membership of Police Federation

Police officers are responsible for making their own arrangements regarding membership during the period of the career break and should consult with the appropriate office.

STATUS DURING CAREER BREAKS – POLICE STAFF

Police staff will continue to be regarded as employed by Nottinghamshire Police and will therefore remain subject to National and Local Conditions of Service. Acts of misconduct committed whilst on a career break will be dealt with in accordance with the Police Staff Disciplinary Policy and Procedures.

4.15 Pay and Pensions

A career break is regarded as unpaid leave and therefore, the duration of the break does not qualify for the purposes of reckoning entitlement to pay and annual leave. Police staff will have their grade and pay scale protected and on return will be on the same basis as before, subject to any changes to National and Local Police Staff Conditions of Service.

In accordance with the Pension Regulations there is a requirement to pay pension contributions for the first thirty days of absence. The contributions will automatically be deducted from pay following the return to work. If the membership is to count for pension purposes then there is also an option to pay contributions for the remainder of the unpaid leave up to a maximum of three years. The decision whether to pay contributions for the rest of the period of absence and count as membership must be made within thirty days of the end of the leave of absence period.

If the option is not taken up then the rest of the period of absence will not count for pension purposes.

4.16 Substantive Position

There is no guarantee that police staff will return to their original Post/Area/Department following a career break. As soon as the career break has been agreed approval to fill the vacancy should be sought in accordance with force procedures. Posts should be filled on a permanent basis and should not be backfilled temporarily.

The HR Department will endeavour to identify an alternative suitable post six months prior to the individual's return to work, which is broadly compatible to the skills, knowledge and level to that which the police staff member performed prior to the career break. This may not necessarily be at the same grade as the individual was on when commencing their career break. In the event that the police staff member is offered a position at a lower grade than previously held, then the salary will be protected as per the force Redeployment Policy.

The police staff member will be offered up to a minimum of one post and a maximum of three posts during this period. If, at the end of the six months, no positions have been identified, the situation will be reviewed and discussed with the employee and it may be considered a redundancy situation.

If, at the end of the six months, three offers have been refused, the police staff member will be deemed to have resigned as at the original date of commencement of the career break.

In the event of a redundancy situation arising during an employee's absence on a career break, the provisions of the force's Management of Change Policy will apply in the normal way. The period of the break will not count towards the qualifying period for entitlement to a redundancy payment. I.e. redundancy payments will be based upon completed years of service prior to the break.

In the event of a redundancy situation occurring after return to duty then qualifying service shall be aggregated service, excluding the career break. Police staff may, therefore, be eligible for redundancy payment providing they have attained the minimum qualifying periods of reckonable service.

4.17 Police Equipment

Identity cards, uniforms and equipment will be returned to the HR Department prior to the commencement of the career break.

4.18 Recalled to duty

Unless required to attend court, police staff will not normally be recalled to duty during a career break. However, in conditions of extreme emergency, (major disasters and the implementation of business continuity plans), staff must be prepared to return to duty at short notice.

4.19 Secondary Employment

Police staff will not normally be permitted to take up secondary employment. However if they need to obtain secondary employment for the purpose of financially supporting their career break, prior approval must be obtained by the Head of HR & OD. Any anticipated conflict between the needs of Nottinghamshire Police and the individual may lead to the request being refused. If alternative employment is sought during the period of the career break then authority will similarly be required.

4.20 Annual Leave

Annual leave and public holiday leave will not accrue, nor will there be payment in lieu, during the career break. Any outstanding annual leave, days in lieu and/or re-rostered rest day entitlement must be taken before the commencement of the career break.

4.21 Maternity /Paternity leave

Police staff whilst on a career break are entitled to the same maternity/paternity benefits as those not taking a career break. A police staff member on a career break who becomes pregnant should give notice as soon as reasonably practicable of the expected date of confinement. The provisions of the maternity scheme will **then** take effect and the career break will be suspended. Resumption of the career break in due course shall be subject to a further agreement between the Head of HR & OD and the individual. Similarly police staff members who qualify for Paternity Leave should give notice as soon as reasonably practicable.

4.22 Membership of Trade Union

Police staff are responsible for making their own arrangements regarding membership during the period of the career break and should consult with the appropriate office.

RETURN TO WORK

4.23 Police Officers

Subject to the provisions below police officers will plan to return to work on the return date agreed between the individual and the HR Department or line manager.

In normal circumstances, police officers should not be requested to return to duty from a career break before the agreed date without their consent. Consideration will be given to police officers who wish to return to work from a career break earlier than the agreed date. However three months notice is required in order to facilitate arrangements.

In any event police officers should return within three months of having given notice.

In all circumstances, at three months prior to the date of agreed return, the individual police officer will be contacted by the HR Department to make the necessary arrangements, where appropriate, dependent upon the role and posting/position, a medical examination, physical fitness test and vetting may apply.

All police officers will be subject to a level of vetting appropriate to the post to which they are returning as outlined in the Force vetting policy.

On return, police officers will be subject to induction/training needs as a result of changes in the duties of their substantive post. Whilst undertaking training, normal payment only will be made.

If a police officer wishes to resign whilst on a career break, they should give notice in the normal manner.

4.24 Police Staff

Subject to the provisions below police staff will return to work on the return date agreed between the individual and the HR Department or line manager.

In normal circumstances, an individual police staff should not be required to return to work from a career break before the agreed date without their consent.

Consideration will be given to police staff who wish to return to work from a career break earlier than the agreed date. However a minimum of three months notice is required in order to facilitate arrangements.

In all circumstances, at six months prior to the date of proposed return, police staff will be contacted by the HR Department to advise them of the application process for internal vacancies. Where appropriate, dependent upon the role, a medical examination, physical fitness test and vetting may apply.

All police staff will be subject to a level of vetting appropriate to the position to which they are successfully placed as outlined in the Force vetting policy.

On return, police staff will be subject to induction/training needs as a result of changes in the role of their original position. Whilst undertaking training, normal payment only will be made.

If police staff wish to resign whilst on a career break, they should give notice in the normal manner.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Health and Safety at Work Act 1974; Employment Relations Act 1999, and other legislation relevant to policing.