



Version Control	Changes Made	Author
Version 1 Jan 2020	Combining previous guidance into one overarching procedure.	People Management
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## Introduction

Work life balance is essentially about choice and flexibility; balancing life and work, balancing the needs of both the Council/School (employer), employees and the optimum environment for high performance and satisfaction at all levels.

In today’s society it is common for employees to have many competing responsibilities in their life. Examples of responsibilities away from work might include:

- Care commitments involving children or elderly relatives
- Education commitments that limit availability at times of the week/month/year
- Duties and/or interests outside of work
- Needing to be available for religious observances
- People wanting a greater sense of wellbeing and reduced stress levels

Employees who have a better work-life balance often have a greater sense of responsibility, ownership and control of their working life. Effective service provision can be enhanced by employees being able to work in more flexible ways to better balance home and work life. There are a range of different working arrangements which can also enhance the efficiency of service delivery.

Having a good work-life balance will benefit the Council/School and employees in the following ways:

- Enable employees to carry out their role and duties as efficiently and effectively as possible whilst having a good balance between home and work life.
- Support and ensure continuity of service delivery.
- A more efficient and productive organisation
- A more motivated workforce
- Better retention of valuable employees
- A wider pool of applicants can be attracted for vacancies
- Reduced levels of absence, sickness and stress
- Working hours that best suit the organisation, its employees and its customers
- Support career development aspirations and remove barriers to promotion, particularly for those with caring responsibilities.

**Note:** Where applicable, employees will have an agreed Workstyle as identified under the **New Ways of Working** programme. This guidance sits alongside New Ways of Working and can be used in conjunction with Workstyles.

## Scope

This procedure applies to all employees of the county council and all school based staff for whom there is no specific procedure laid down in national or local conditions of service.

It is expected that governing bodies of all community and voluntary controlled schools would adopt this procedure. Foundation, voluntary aided schools and academies are encouraged to do the same.

## Principles

The purpose of the Work Life Balance Procedure is to provide clear guidance to managers and employees on the:

- Flexible working options available.
- Eligibility criteria.
- Conditions affecting each arrangement.
- Procedures to be followed in applying for and considering a flexible working/work life balance arrangement.

A key principle of the Work Life Balance procedure is that any changes to working patterns must allow the service to be delivered effectively and be cost effective. As a publicly accountable body, the Council/School must ensure that the service it delivers is protected.

It is acknowledged that some service areas are required to work set working patterns and therefore time management is key to managing a good work life balance. Although the council/school is committed to providing the widest possible range of flexible working opportunities, arrangements can only be agreed if the provision and quality of services can

meet organisational demands. Therefore the full range of flexible working options will not be appropriate for all jobs across all areas of the council/school.

Publications specifically to assist teachers in managing their work life balance are available including the Department of Education Flexible Working Guidance which can be found on the Schools Portal.

## Work Life Balance – flexible working options

**Part Time working** - Part Time working is when an employee works less hours per week than a standard full time contract.

**Compressed hours** - Compressed hours give employees the opportunity to request an increase or decrease to the total number of hours they work on a daily, weekly or monthly basis. For example, working full time, but over a “9 day fortnight” or “4 day week”.

**Flexitime\*** - Flexitime allows employees a degree of choice with when they work their contracted hours. With prior agreement by their manager, staff can vary their start and finish times within set parameters.

**Term Time working** - Term time working is when an employee works for an agreed number of weeks per year (e.g. 38 weeks during term time and 2 weeks during school closure periods). The employee receives a pro rata salary (including pro rata leave provision), but this is paid throughout the year in 12 equal monthly instalments.

**Annualised hours** - Annualised hours are where the weekly hours are tailored around the peaks and troughs of the service requirements over a year. For example, services that are affected by weather, the financial year, tourism or project demands etc. may benefit from annualised hours. Employees receive a salary based on their annual contracted hours and this is paid throughout the year in 12 equal monthly instalments.

**Job Sharing** - Job sharing or work sharing is an employment arrangement where typically two people are employed on a part-time basis to perform a job normally fulfilled by one person working full-time. Contracts are not linked to either employee in the job share agreement; they are separate part-time contracts.

**Agile Working** - Agile working can either be internal (working from a variety of council premises) or external (working from non-council premises i.e. field working).

**Home Working** - Home working means employees can carry out all or part of their work at home. However, they are still required to attend meetings, supervisions etc. in council premises.

**Career breaks** - A career break is designed to provide employees with the opportunity to take an extended unpaid break of between 3 and 12 months.

**Additional annual leave\*** - The additional annual leave purchase scheme allows employees to “purchase” up to 10 additional annual leave days (pro rata) per year.

\*Additional annual leave and flexi time do not come under flexible working arrangements. Flexible working is a recognised legal term used in employment law for statutory contractual changes that employees may request. The procedures associated with additional annual leave and flexi time are covered within separate guidelines and such applications must be made in accordance with the relevant procedural documents available.

For Schools:

Name of School:	
Date by which School have adopted procedure:	
Signature of Chair of Governors	

**October 2021**

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**HR  
Guidance**

## Appendix 1 Flexible Working Requests

### Flexible working requests

Current UK employment legislation gives all employees the right to request to work flexibly after 26 weeks employment and places a duty on employers to consider the request seriously.

Under the Work Life Balance Procedure, the council operates an enhanced provision which allows all council and school based employees to make a request to work flexibly.

### What can an employee request?

Under this procedure, employees may make a flexible working request to change their working pattern, including:

- The number of hours they are required to work
- The times they are required to work
- The place they are required to work
- A combination of the above
- Whether this is a temporary or a permanent change

Where a change to the working pattern is agreed, it forms a variation to the contract for the period of time stipulated and may change the employee's designated work style.

### Process

1. Detailed below is how a flexible working request should be made and the process by which this will be managed by the council.
2. Line managers should contact People Management at any point for advice or support on any aspects of this application process. In a School setting, Headteachers should contact their HR provider.

3. An employee wishing to make a flexible working request, including statutory and non-statutory requests, must complete a flexible working application form and return it to their line manager. All requests MUST be in writing and verbal requests will not be accepted.
4. Employees should consider a number of matters prior to making their application. These are outlined in the section headed Considerations for Employees.
5. Managers should hold a meeting to discuss the request within 28 days of the application being received.
6. Employees can be accompanied at this meeting by a colleague or trade union representative.
7. The meeting should take place at a time and location which is convenient to the employee and the manager. If the manager or employee cannot make the initial date then another meeting should be arranged. If an employee fails to attend more than 1 meeting without reasonable explanation the manager can deem the application to be withdrawn. The manager should consider any reasons given for failing to attend both meetings before making a decision to close the application and must notify the employee of their decision.
8. Within 5 days of the meeting, the line manager must inform the employee, in writing, of their decision, providing a short explanation as to the reason(s) for the decision taken.
9. Managers must also follow the home working guidance if the application received includes an element of homeworking.
10. Decisions on whether or not an employee's request can be granted will be made on business grounds, rather than on personal circumstances. Each allocation will be considered on the basis of the particular work involved, the suitability of the working environment and any impact the change could have on individual, team or council performance.
11. Where a request for changes to working hours and/or working pattern has been approved the manager must complete the relevant forms and send them to the Service Centre. In a school setting, details should be sent to their HR/Payroll provider.
12. Applications for flexible working can only be refused where there is a clear business reason and must be for one or more of the following grounds:
  - a. The burden of additional costs
  - b. A detrimental effect on the ability to meet customer demand
  - c. An inability to reorganise work among existing staff
  - d. An inability to recruit additional staff
  - e. A detrimental impact on quality and/or performance
  - f. An insufficiency of work during the periods the employee proposes to work
  - g. Planned structural changes

13. The employee must state at the time of the request whether the change will be a temporary or permanent one. If temporary the employee must specify the time period during which they would like the flexible pattern to apply.

### **Considerations for Employees**

Before submitting an application, employees should consider:

- That the process can take up to 12 weeks.
- That in some circumstances, a trial period may be necessary to ascertain if the arrangement can put in place for a longer term.
- That only one Flexible Working application can be made in any 12 month period under the statutory procedure and they do not have a statutory right to request another variation in contractual terms for a period of 12 months. Employees may still make a further request without the statutory right.
- Which working pattern will help best to care for the child or adult (if applicable)
- What the financial implications of working from home might be – e.g. potential reduction in commuting cost vs. increase in household bills.
- What the impact could be on pension – e.g. a reduction in accrued reckonable service if reducing hours
- Home working arrangements will be subject to a home working assessment and a home working agreement as outlined in the Home Working guidance.

### **Considerations for Managers**

The council/school is committed to providing the widest possible range of flexible working opportunities and managers are encouraged to look favourably on flexible working applications.

However the decision to accept a flexible working arrangement must only be made following consideration of the impact of the proposal on the team, existing management practices and the service. Applications for flexible working can be refused for reasons outlined under point 12 in the flexible working guidance.

The law requires that all statutory requests (excluding additional annual leave and career breaks), including any appeals, must be considered and decided on within a period of three months from first receipt, unless you agree to extend this period with the employee.

### **Trial Periods**

All flexible working arrangements, with the exception of a reduction in working hours, can be granted on a trial basis. Managers and employees should discuss this prior to the arrangement taking place and agree the details of any trial period. The trial must be monitored on a regular basis and actively managed as outlined in the flexible working guidance. Some areas for consideration are outlined below:

- Consider/establish expectations for the new working arrangement:
- Availability – how do colleagues know where and when the employee is working
- Expectations for contact/updates
- Protocols for operational emergencies



- Expectations around working hours and ensuring these are not excessively high/low.
- Reporting/troubleshooting health and safety issues/ risks
- Reporting /troubleshooting information security risks
- Arrangements for managing by results rather than presence
- Clear reporting structures are in place and known amongst the team
- Individual has clear direction and remit with specific and measurable objectives.
- Introduction of work plans that monitor progress on a weekly/monthly basis
- Plans for regular and timely updates from management/ employee/ team
- Protocols for escalating issues & agreeing reasonable and manageable deadlines
- Structured and regular 1-2-1s using telephone/ video conferencing/ face to face meetings
- What protocols are needed amongst the team/individual for new working practices- e.g.
- Working electronically and sharing information
- Working confidentially
- Phone protocols
- Availability
- Arrangements for maintaining regular communication links with the team/management
- 1-2-1's and team meetings established
- Virtual team working arrangements
- Scheduled time for management/ employee availability
- Scheduled time for peer group support/ training and idea sharing

Trial periods will normally be in place for a maximum of 6 weeks. In exceptional circumstances the trial period can last longer and in these cases, advice should be sought from People Management or relevant HR provider.

The start and end date of the trial period will be clearly documented and communicated to the employee by the line manager.

Line managers should hold a review meeting 3 weeks after the new flexible working arrangement is in place to assess how the arrangement is working. Managers or employees can arrange earlier or more frequent review meetings if required.

At the end of the period the line manager will hold another meeting with the employee to review how the flexible working arrangement is progressing and decide whether or not the arrangement can be made permanent. They should confirm the outcome to the employee in writing.

If the trial period is unsuccessful from either end, the arrangement can be amended appropriately by mutual agreement, or terminated at any point, by the line manager or employee.

If following the trial period, the line manager refuses or amends the flexible working arrangement they must provide one or more of the reasons outlined in point 12 above as grounds for their decision.

## Health and Safety

Managers should ensure that the appropriate health and safety procedures are applied before a flexible working arrangement takes place. The appropriate procedures to be used will depend on the flexible working arrangement being proposed. All H&S policies can be found on InTouch and further advice can be provided by your directorate or school H&S representative where required.

## Working Time Regulations

It is important that the number of hours being undertaken is managed effectively and in line with Working Time Directive guidelines, and employees do not work excessively large or low hours on a regular basis. Having the facility to work at home or in different locations can sometimes tempt employees to work over and above their required number of hours. Managers must ensure that all staff work within the provisions set out within the working time regulations and the council's flexi time scheme.

## Appeals

- There is no right of appeal for employees who have made a non-statutory flexible working request.
- Those employees who have made a statutory flexible working request have 14 days after the date they were notified of the refusal / decision, to appeal. Their appeal must be made in writing to the manager who refused the request and must be dated and set out the grounds of the appeal.
- Upon receipt of an appeal, the line manager must arrange for the appeal to be heard. The appeal should normally be heard by a more senior manager than the manager who considered the original request. In a school setting this may be the Chair of Governors.
- Once the appeal is received, the appeal manager should arrange to hold a meeting with the employee within 14 days, to discuss the appeal. As with the meeting to discuss the application, both the employee and the appeal deciding manager can be accompanied, and the same rules apply regarding non-attendance at this meeting. The manager who dealt with the original application may be asked to attend, to outline why the request was rejected.
- The appeal manager must notify the employee of their decision within 5 days of the appeal hearing. If the appeal is refused, the appeal manager must inform the employee, in writing, of the grounds for the refusal, explaining why these apply.
- There is no further right to appeal.

## Time Limits

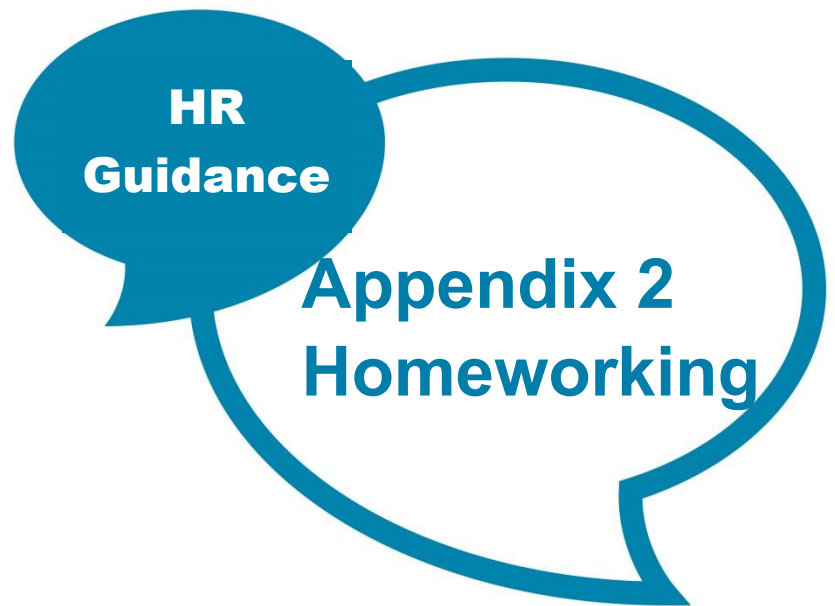
There may be circumstances in which time limits need to be extended (e.g. to allow more time for a working pattern to be explored). Both the employee and the manager concerned must agree any extension to the time limits, and the employee should be provided with written confirmation of the agreed extension, which specifies why the extension is required and the date on which it will end.

In circumstances when the manager who would normally consider your application is absent due to annual leave / sick leave, the time limits are automatically extended. The 28 day period in which to arrange a meeting will start on the day when they return, or 28 days after the application is made, whichever is sooner. If their absence is longer than this, another appropriate manager will consider the application.

## Flexible working application form

<b>To be completed by the employee</b>	
<b>Employee's full name</b>	
<b>Employee's Address</b>	
<b>Employee Number</b>	
<b>Post title</b>	
<b>Directorate / location</b>	
<b>Line Manager (to whom application should be submitted)</b>	
<b>Date of Appointment to Council</b>	
<b>Eligibility:</b> Employees must confirm if they are making a statutory or non-statutory application for flexible working.	
<b>I am making a statutory request for flexible working. I confirm that I have worked continuously for the last 26 weeks, and that I have not made a statutory request to work flexibly during the past 12 months</b>	
<b>I am making a non-statutory request under the council/school procedure and I understand that this is not covered by the legislation.</b>	
<b>My current working pattern is (days/hours/times worked):</b>  	
<b>I would like to request the following working pattern (days/hours/times worked):</b>  	
<b>I would like the working pattern to commence from:</b>	
<b>I would like this arrangement to be permanent/temporary.</b>	

<b>If temporary please specify time period for this change to apply.</b>	
<b>Impact of the new working pattern. I think this change in my working pattern will affect my employer and colleagues as follows:</b>	
<b>Accommodating the new working pattern. I think the effect on my employer and colleagues can be dealt with as follows:</b>	
<b>Employee's signature</b>	Signed: _____ Date: _____
<b>To be completed by the line manager</b>	
<b>Line Manager's Recommendation</b>	Accept / Postpone / Decline* *Please delete as necessary
<b>Line Manager's signature</b>	Signed: _____ Date: _____ Name: _____ Post: _____
<b>Service Centre advised</b>	Date: _____ Signed: _____ (Line Manager)



## Home Working

Home working means employees can carry out part or all of their work at home (this is different to working from home on occasion or as part of an agreed workstyle). However, they are still required to attend meetings, supervisions etc. in council premises. In some circumstances, the employee's home may become their contractual place of work (with the relevant assessments and control measures i.e. risk assessments).

In terms of home working, employees should consider

- Any legal/ insurance or tax implications of home working
- Where the employee can demonstrate that they have incurred expense “wholly exclusively and necessarily” as a result of their employment, they may be able to claim tax allowance from HR Revenue and Customs and can contact them for advice.
- Is there a suitable area in your household where you can carry out working from home?
- Do you have a suitable broadband connection and / or mobile phone reception?
- Is the nature of the job such that you are able to work effectively from home?
- Could home working impact on any members of your household?
- How an employee can ensure confidentiality of electronic and paper based information within the home in order to be GDPR compliant
- Costs of working from home- may not be apparent until the winter months.

This guidance provides advice on how to assess and introduce home working following a Flexible Working request that includes an element of home working'

### Process

1. Any agreement to work from home on a regular basis will be subject to:

- a. Receipt of a completed flexible working request and the completion of the process as outlined in the Work Life Balance Procedure,
- b. The relevant home working assessment and checks relating to health and safety and information security,
- c. A home working agreement ensuring that a signed document is provided to the Service Centre so that it can be held centrally on the employee's personal file.
- d. The council will provide all required equipment to support employee's in carrying out their role from home. Managers must arrange for the appropriate equipment to be provided.
- e. With the exception of trial periods:  
*The normal period of notice to terminate the Homeworking Agreement on either side is 4 weeks. However, an employee or manager must have valid reasons for ending the arrangement. In emergencies the arrangement will be reviewed and may be suspended or terminated with immediate effect. Additional notice can be provided by mutual consent and where operationally practical.*
- f. There is no right to appeal the withdrawal or amendment to a home working arrangement.

### Home Working Checklist

The following home working checklist must be completed by the line manager in discussion with the employee prior to any home working arrangement being implemented.

Statement	Yes	No	Yes – with changes
The equipment required to allow home working to take place is available and can be provided by the council without resulting in an unreasonable additional cost to the department. This will be determined on a case by case basis and line managers should contact People Management or HR provider for advice if required.			
The employee has a suitable internet and telephone signal and connection to work effectively? Contact ICT if advice is required.			
A contingency plan is in place to enable the employee to carry out work effectively during short term and ad hoc occasions where home working from becomes difficult - e.g. where short term technical difficulties are experienced			
Line manager and employee do not foresee the arrangement impacting on team or individual performance/development and the employee has the behaviours, skills and knowledge to work independently in the role.			
There are no existing conduct or performance issues that would deem the new home working arrangement unsuitable. Contact People Management or HR provider for further advice if required			
The health and safety checklists outlined in the following health and safety procedures have been carried out and are satisfactory. <input type="checkbox"/> <a href="#">H&amp;S procedure number 23 – H&amp;S for home workers</a> <input type="checkbox"/> <a href="#">H&amp;S procedure number 24 – Lone Working</a>			

The employee has a safe and appropriate environment within the home where information can be securely stored.			
The employee is aware of their obligations in respect of information security and data protection, has read and understood the relevant guidance and completed the online training. Requirements may change on a case by case basis and line managers should contact Information Governance or Information Security as appropriate for advice if required.			
The employee is aware of their obligations to attend meetings and remain in regular and effective communication, even when home based?			
Where applicable, details of the trial period have been confirmed to the employee in writing?			
Employees are aware that childcare or caring for a dependent cannot be undertaken at home during working time and that alternative provisions must be in place.			
The employee has read, understood and signed the home working agreement.			
Signed Line Manager:		Date	
Signed Employee:		Date	

If, following the home working assessment, home working is deemed unsuitable and adjustments are not possible, the arrangement will not be feasible.



## Template Home Working Agreement

Name

Address 1

Address 2

Address 3

Post Code

Position:

Expression of Interest in Home Working

Further to your expression of interest in home working your request to work from home for **XX** hours on **[working pattern]**, has been approved subject to the following conditions set out in this document.

Home working arrangements will take effect subject to the conditions set out in the Home Working Checklist.

Trial Period (where applicable)

The home working arrangements described above will be in place for a trial period of **3** months. The start date of this trial period will be arranged when conditions outlined in the checklist have been satisfied. The conditions must be satisfied as soon as possible, with the trial home working arrangement being put in place no longer than 3 months from the point of approval.

The home working arrangements will be reviewed on a regular basis during the trial period to ensure there is no detrimental impact on the service and that the arrangements are working for you. If the trial period is unsuccessful from either end, the arrangement can be amended appropriately by mutual agreement, or terminated at any point by your line manager or yourself.

If your trial period is successful, this will be confirmed to you in writing. Following a successful trial period, the home working arrangement will become permanent, or if your contract is temporary, the arrangement will be put in place for the remainder of your contract. This will be the case unless informed otherwise.

Time recording

The normal flexi time scheme and any individual flexible working arrangements will continue to apply to this home working arrangement.

The normal employee and employer responsibilities relating to the Working Time Regulations continue to apply to this home working arrangement.

Conduct and Performance

The same conduct and performance expectations are in place for employees that work from home, on the go or in an office environment.

Any alleged misuse or abuse of the home working facility will be considered and dealt with in line with the disciplinary policy and poor performance will be managed in the normal way in line with the capability procedure.

The home working arrangement may be terminated as a result of the management of conduct or performance under the council's disciplinary or capability procedures.

#### Expenses and household bills

You are advised to contact your household insurance provider, mortgage lender or landlord, along with your broadband/internet provider and any other relevant party to inform them that you will be undertaking work from home before the arrangement begins.

No reimbursement will be provided in cases where household providers stipulate additional charges for their services relating to home working.

No reimbursement for household or installation bills will be provided with the exception of business related telephone calls as outlined below:

All home working employees will be provided with a business mobile phone and you should use this as the primary telephone device when working from home. Should business calls be necessary from a private phone line, the cost of these calls will be reimbursed upon receipt of an expenses claim and itemised phone bill.

#### Travel

Normal arrangements apply. Your manager will advise you of your base for claiming expenses in accordance with the relevant Travel and Subsistence Scheme.

#### Meetings and Access

For security purposes, you must not divulge your home address or personal telephone number to clients, customers or service users. Home workers must not use their own home for meetings. This includes line manager/supervisory meetings and meetings with colleagues.

Access to your home may be required at agreed times, for work-related purposes, including health and safety matters. Visits may be for the purpose of resolving ICT issues, to assess any H&S risks, and retrieve council property or in relation to sickness absence in accordance with the Absence and Wellbeing procedure.

Initial health and safety risk assessments should be carried out in the normal way by the employee and therefore would not normally require household access.

#### Leave, sickness, other absences and availability for work

It is essential that you follow established procedures for booking leave, reporting sickness or injuries and agreeing other absences with your manager.

While working at home, you should take account of the potentially conflicting demands of work and family and make every effort to work in an organised and discipline fashion. Normal reporting procedures should be adhered to if you are unavailable for work.

### Provision of Equipment

The County Council will provide the necessary equipment to facilitate a suitable and appropriate home office environment where it is practical to do so. If, due to the nature of the job, equipment is required that would be impractical in a home environment and/or come at a considerable cost, the home working arrangement may not be possible.

This may apply to required equipment over and above the normal DSE requirements for workstations.

### Changing Circumstances

Should any home working conditions change, which may impact on the quality of the working environment, you must inform your line manager as soon as possible. This applies but is not limited to the following circumstances:

- Workstation changes
- Workplace hazards
- Security breach/risk
- Internet/ telephone changes that are detrimental to the quality of information accessibility
- Major or substantial building works
- Property damage e.g. flood/weather damage
- Changed/additional occupancy within the home
- Change to any caring arrangements impacting on the home working environment.
- Any other changes that could impact on the quality of the working environment or deem the home unsuitable for work on a temporary or permanent basis.

Changes to the working environment could result in the need for an updated homeworking assessment, homeworking being withdrawn or a temporary change to your place of work (e.g. working from a council building).

If you are moving home you must advise your manager in writing as soon as possible.

This will normally be at least 4 weeks before the date you move, however in exceptional circumstances less notice can be considered. If the new location is not acceptable to the County Council this arrangement may be terminated on the date you move into the new premises

There may be cases where the continuation of home working becomes inappropriate. The Council or employee may in certain circumstances, for either personal or operational reasons, wish to end the current home working arrangement. Managers will discuss with you the reason(s) behind any decision to terminate home-based working.

The normal period of notice to terminate the Homeworking Agreement on either side is 4 weeks. Additional notice can be provided by mutual consent and where operationally practical. In

emergencies the arrangement will be reviewed and may be suspended or terminated with immediate effect.

The home working arrangement may be terminated as a result of the management of conduct or performance under the council's disciplinary or capability procedures.

**Return of County Council Property**

Any equipment and / or furniture provided by the council and / or installed in your home remains the property of the Council and must be returned when your home working arrangement or employment is terminated. Your manager will arrange to collect any equipment at a mutually agreed time.

Management agreement for and on behalf of Cumbria County Council:

Signed: \_\_\_\_\_  
Date: \_\_\_\_\_

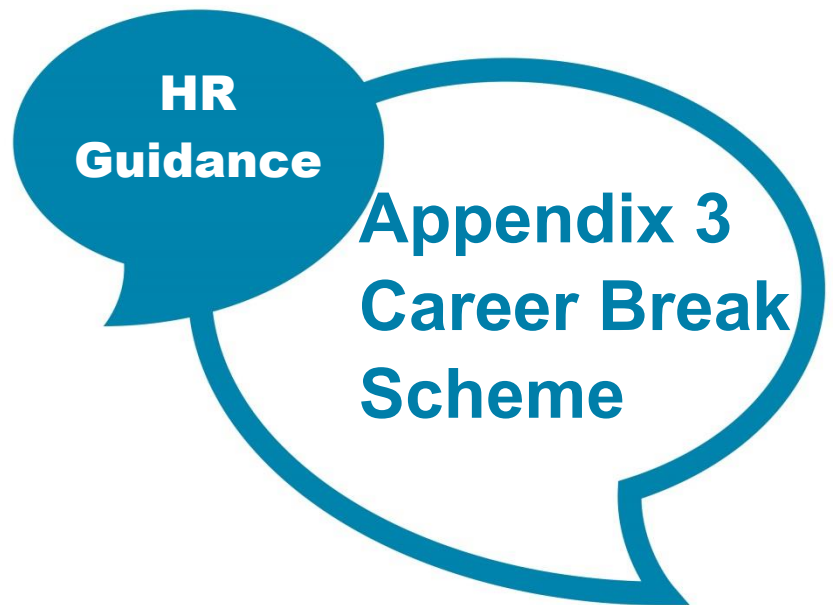
Manager Name: \_\_\_\_\_

**Declaration**

I have read and understood the content of this document and I agree to a home working arrangement under the conditions set out above.

Signed: \_\_\_\_\_  
Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_



## Career Break Scheme

### Introduction

Cumbria County Council recognises that there may be times when employees wish to take extended periods of time away from working in order to pursue other interests including but not limited to: spending time with family, pursuing further education, taking an extended holiday or participating in voluntary / community work. The benefits to an employee may be to enhance their career, develop useful skills, strengthen their confidence and avoid additional stress. For the organisation this option may help to retain valuable employees and retain their knowledge and experience. The break could help to introduce new competencies back into the workplace and demonstrates employee investment resulting in greater loyalty.

### Purpose

A Career Break is an unpaid release of duties where the employee will not be required to resign and remains employed by the Council. During the Career Break continuity of service will be maintained and employees will retain their statutory entitlements, but payment of salary and all additional contractual benefits will cease and the period of the Career Break will not count for reckonable pensionable service, unless the employee opts to pay their pension contributions within 30 days of returning to work.

A Career Break will be 3 months minimum and up to 12 months maximum in length. Once agreed, the length of the period can only be varied by mutual agreement.

Employees will retain their statutory paid holiday entitlement during the Career Break, but will not be entitled to any additional leave contractually provided to them. Statutory holiday entitlement will be pro rata for part time / part year employees.

A Career Break is granted at the Council's discretion and is not an entitlement.

## Scope

This scheme applies to all Council employees with at least 3 years' continuous service (with the exception of schools-based staff as at \* below). Employees may apply for more than one Career Break during their employment however there must be a gap of 3 years between Career Breaks. Employees may make only one request in a 12-month period. If a request is rejected or withdrawn, a further application cannot be made within 12 months of the refused / withdrawn application. Employees are expected to demonstrate their commitment to return to work.

This Scheme does not apply to:

- \* Council employees who are based in schools (their requests will be dealt with on a case by case basis with due regard to the operational needs of the school)
- Agency staff, Consultants, Contractors and Volunteers

## Principles

The Career Break Scheme is founded on the following principles:

- To support the Council's aim in being the employer of choice by maintaining personal growth and development and attracting new employees.
- To provide managers and employees with clear guidelines so that the implications and terms and conditions for a Career Break are fully understood, thus providing consistency across the Council.
- To assist individuals in achieving a different balance in their work and home life.
- To retain skills and knowledge within the Council.
- Where operationally practicable a Career Break will be supported.
- Not to discriminate against any individual in the application of this scheme on grounds of age, disability, gender, sexual orientation, gender re-assignment, race, religion or belief, maternity, marital or civil partnership status, TU activities, part-time status etc.
- Individuals will remain employed by the Council and will be included in any management of change or redundancy consultation process relating to their post.
- The Council will not be liable for any financial loss incurred in anticipation of an application being approved, e.g. holiday deposits etc.

## Roles and Responsibilities

Employees will:-

- Provide a written application for a Career Break at least 3 months in advance of the date they would like the Career Break to start.
- Ensure they do not enter into any financial commitments which are dependent on approval of the Career Break prior to receiving a decision.
- Discuss the proposal with their line manager and properly assess the impact of a Career Break on their conditions of employment (e.g. pension, redundancy payment(s), contractual benefits etc.)
- Use any outstanding annual leave entitlement, flexi-time, Time off in Lieu accrued up until the start of the Career Break and will not be allowed to retain it to take on their return or to receive pay in lieu of annual leave. Annual leave in excess of statutory annual leave will not accrue during the Career Break.

- Take, within the agreed period of the Career Break or within their annual leave year, all statutory holiday entitlement which accrues during the Career Break.
- All property belonging to the Council e.g. ID Badge, access fobs, parking permit, laptop, mobile telephone, pager etc. prior to the start of the Career Break.
- Remain in contact with their line manager during the Career Break in a mutually agreed way
- Provide at least 8 weeks' written notice, to their line manager, of a request to return to work if earlier than the agreed date or of a request to extend the Career Break (subject to maximum length of 12 months).

Line Managers will:-

- Assess requests for Career Break – liaising with the People Management Service, considering the operational feasibility of granting the break and submitting their recommendation to the relevant Senior Manager in a timely fashion.
- Discuss the implications of a Career Break with individuals in relation to their pension, continuous service, potential redundancy calculation etc.
- Consider how to backfill the substantive post during the Career Break by either following the recruitment process with a secondment or fixed term contract, if applicable, or through re-distribution of work amongst the remaining team.
- Inform the Service Centre of the employee's intention to go on a Career Break, when the employee will return and notify them of any extension or reduction agreed in the Career Break.
- Maintain contact with the employee during the Career Break, in a mutually agreed way
- If the employee wishes to extend or reduce their Career Break the line manager will, assess this request and submit their recommendation to the relevant Senior Manager based on business needs, how the post will be covered and the reason relating to the request. They will ensure the individual is informed of the outcome in writing.

Senior Managers will:-

- Consider the Line Manager's recommendation and will have the authority to approve or decline a Career Break request, and any subsequent request to extend / reduce the Career Break.
- Communicate the decision in writing within 10 working days of submission of the application. Any requirement for an extension to this timescale must be discussed and agreed with the individual and the line manager.

## Approval Process

Employees eligible to apply should submit their request to their Senior Manager via their line manager on the Career Break Application Form (at Appendix One) at least 3 months prior to the date they would like the Career Break to start.

On receipt of a request, the line manager should arrange for a discussion will take place with the employee to establish the details of the request and to confirm the individual's firm

commitment to return to the Council. It may be established at this point that alternative working arrangements are more suitable in some cases.

Once the line manager has assessed the application they will submit their recommendation for approval or refusal to their Senior Manager for their consideration. This will include an indication of the costs involved (i.e. statutory annual leave and employers pension contributions).

The Senior Manager will communicate their decision in writing within 10 working days of submission of the application.

If the employee wishes to extend or reduce their Career Break then they must contact their line manager at the earliest possible time, with a minimum 8 weeks' notice of the original date of return. The line manager will assess the request and submit their recommendation for approval or refusal to their Senior Manager. The recommendation will be based on business needs, how the post will be covered and the reason relating to the request. The Senior Manager will communicate their decision regarding the extension / reduction in writing within 10 working days of submission of the application.

All Council property, equipment, uniform, ID badge etc. must be returned to the Council prior to the start of a Career Break. Failure to do so may result in review of the approval of the Career Break.



## Effect on Employee Terms and Conditions of Employment

Employees must ensure they fully consider the following implications for themselves of a Career Break, especially where there is a potential for loss in benefits (including pension), and the potential need to return to an alternative post. Individuals must seek relevant advice and guidance as appropriate prior to their submission of an application.

<p>Terms and Conditions of Employment and Continuous Service</p>	<p>Employees are not required to resign (and are not dismissed) in order to take a Career Break.</p> <p>Employees remain employed by the Council throughout the Career Break and will continue to accrue continuous service.</p> <p>Employees' contracts of employment are preserved, subject to variation in relation to salary, allowances and contractual benefits.</p> <p>Where alternative employment during the Career Break is taken up with an organisation not covered by the Redundancy Payments (Local Government) (Modifications) Orders, their contract with the Council will come to an end and continuous service will be broken. This is unlikely to, but may, apply to non-contractual casual work.</p>
<p>Pay and Annual Leave</p>	<p>There is no entitlement to payment of salary, allowances, non-statutory leave, occupational sick pay or occupational maternity / paternity / adoptive pay during a Career Break.</p> <p>All annual leave, bank holiday entitlement, flexi / TOIL etc accrued to date must be taken prior to commencement of the Career Break. Similarly, "debits" must be cleared.</p> <p>All statutory paid holiday entitlement i.e. Working Time Regulations of 5.6 weeks (pro rata for part time) accrued during the period of a Career Break must be taken during the Career Break or within the annual leave year (normal carry forward arrangements will apply). There will be no payment in lieu of leave accrued during the period of Career Break.</p>
<p>Tax and NI Contributions and Statutory Payments</p>	<p>The Council will not be liable for any tax or national insurance contributions during a Career Break. As a Career Break could affect the right to and payment of statutory payments such as Statutory Sick Pay, Statutory Maternity / Paternity / Adoptive Pay. It is recommended that contact should be made with the local Benefits Agency office for advice and guidance as necessary.</p>
<p>Local Government Pension Scheme</p>	<p>Membership of the Local Government Pension Scheme continues for the first 30 days of absence with full LGPS contributions payable at the rate that would have been paid had the employee been at work (both employee and employer contributions)</p> <p>After the first 30 days the time will not count as membership of the LGPS unless the contributions are paid within 30 days of return to work. If the employee elects to pay their contributions the employer will also pay the missed contributions. The employee does not have to buy back the excess days whilst on unpaid leave but this period will then not count as reckonable pensionable service.</p> <p>Employees on authorised leave of absence from the Pension Scheme will remain eligible for death-in-service benefits</p>

Council Property	All Council property should be returned prior to the start of the Career Break, unless otherwise agreed with the Line Manager
Work Restrictions	<p>The purpose of a Career Break is to allow employees time away from work to pursue personal interests such as travel, voluntary / community work, study or to spend more time with family etc. It is not to be used for work purposes and therefore employees are restricted from acting as a consultant / contractor or working as an employee / director for any other organisation or individual unless, in exceptional circumstances, they have the express written consent of the relevant Executive Director.</p> <p>In considering the request, the Executive Director will need to ensure that the work does not, in the view of the Council, conflict with the Council's interest or in any way weaken public confidence in the conduct of the Council's business.</p> <p>Employees must consider any potential impact on their continuity of service, should they take up employment with an organisation not covered by the Redundancy Payments (Local Government) (Modifications) Orders</p> <p>This is unlikely to, but may, apply to non-contractual casual work.</p>
Child Care Vouchers	Participation in the Child Care Voucher Scheme will cease at the start of the Career Break.
Salary Reviews	Any cost of living increases / decreases and changes to the pay and grading structure that the Council implement during the Career Break will be applied accordingly once the employee returns to work.
Sickness Absence	<p>There is no entitlement to payment of occupational sick pay during a Career Break.</p> <p>Where an employee experiences long term sickness absence during a Career Break (i.e. a certified medical condition in excess of or likely to be in excess of, 4 weeks) then the employee can choose to contact their manager and request to terminate their Career Break. If agreed, the employee would be treated as having returned to work and therefore become eligible for occupational sick pay. The remainder of the Career Break would be forfeited. They will not retain any entitlement to return to the Career Break without further application</p>
Occupational & Statutory Maternity / Paternity / Adoptive Pay	<p><b>As the Career Break is unpaid, employees are not eligible for occupational maternity / paternity / adoptive pay (unless they return to work). Any entitlement to the relevant statutory maternity / paternity / adoptive pay will be dependent on earnings during the relevant reference periods and advice should be sought from the local Benefits Agency office as necessary.</b></p> <p><b>In the event of maternity / paternity / adoption individuals may request to return to work in order to become entitled to the relevant occupational pay.</b> If agreed, the employee would be treated as having returned to work and therefore become eligible for the relevant occupational pay. The remainder of the Career Break would be forfeited. <b>They will not retain any entitlement to return to the Career Break without further application.</b></p>

Management of Change	<b>Employees remain an employee of the Council and will be included in any management of change or redundancy consultation process relating to their post. It is important therefore for employees to maintain contact with the Council through their line manager.</b>
Redundancy Payments	<b>In the event of redundancy, statutory redundancy would be calculated on all service (i.e. including the Career Break), except where service has been broken by alternative employment at an organisation not covered by the Redundancy Payments (Local Government) (Modifications) Order</b> <b>Any enhanced redundancy provision would be calculated on the continuous service accumulated prior to a Career Break and, assuming a return to work, the continuous service accrued after the Career Break.</b> <b>The calculation of “a weeks pay” would be over the relevant reference period.</b>

## Returning to Work

It is expected that employees and their Line Manager will agree arrangements in order to maintain reasonable contact during the Career Break. This is in order to ensure the Council is able to keep the employee informed of matters significant to their role and for the employee to advise the Council of any changes in their circumstances which may impact on the Career Break or on contact arrangements.

Employees are required to provide at least 8 weeks' written notice, to their line manager, of their request to return to work at a different time from the original agreed date. Any such request will be considered sympathetically but in light of the relevant operational circumstances and, if relevant, the availability of a suitable post.

Wherever possible an employee will return to a job at the same level as their job prior to their Career Break but this cannot always be guaranteed. In the event of a restructure where an employee's role is affected, they will be consulted in the same way as their colleagues and in line with the “Management of Change” policy.

On return to a job at the same level as prior to the Career Break the employee's salary will be re-instated at the same level prior to the period of unpaid leave and will reflect any pay awards that may have occurred. If an employee cannot return to a job at the same level as prior to the Career Break (e.g. through restructure) they will be subject to the normal arrangements of the “Management of Change” policy.

Further information must be sought from the People Management Service regarding any other employee benefit not detailed above, e.g. Local Car User Scheme.

Employees should contact the relevant pension service:-

**Cumbria's Pensions Service** is administered by Local Pensions Partnership Administration on behalf of Cumbria County Council.

For pension queries please contact LPPA via their Website.

**Link:** [Contact Us • Local Pensions Partnership Administration \(lppapensions.co.uk\)](#)

### **Teachers' Pension Scheme**

Teachers Pensions, 11b Lingfield Point, Darlington, DL1 1AX

0845 6066166 (8:30am to 6:00pm Monday to Friday)

<https://www.teacherspensions.co.uk/>

### **NHS Pensions**

NHS Pensions, PPO Box 2269, Bolton, BL6 9JS

0300 330 1346 (8:00 to 6:00pm Monday to Friday)

nhsbsa.pensionsmember@nhsbsa.nhs.uk

<https://www.nhsbsa.nhs.uk/nhs-pensions>

For the purpose of estimating occupational sick, maternity, paternity, adoptive pay or leave entitlement, the period of work before and after the break will be aggregated as continuous service (except where service has been broken in the event of alternative employment having been taken up at an organisation not covered by the Redundancy Payments (Local Government) (Modifications) Order).

If redundancy occurs after the employee returns back to work the period of the career break will count for the purposes of statutory redundancy only. The period of Career Break will not count for any enhanced redundancy provision which will then be calculated on continuous service accrued prior to and after the Career Break (except where service has been broken by alternative employment taken up during the Career Break at an organisation not covered by the Redundancy Payments (Local Government) (Modifications) Order).

It is expected that the employee and the line manager will maintain contact during the period of the Career Break and that they will discuss necessary arrangements in advance of the expected return to work. However, in the event that the employee fails to return on the agreed date, and the line manager has made several attempts to contact them directly within the expected week of return and is unable to establish any reason for the non-return, the Council will take this as notification that the employee no longer wishes to return and that they have terminated their services with the Council. Failure to return to work will be treated by the Council as a resignation by the employee.

Where the employee tenders notice of resignation during their Career Break and has no intention of returning to work out their notice period, then the notice period will be without pay.

## Career Break Application Form

<b>To be completed by the employee</b>	
<b>Employee's full name</b>	
<b>Employee's Address</b>	
<b>Employee Number</b>	
<b>Post title</b>	
<b>Directorate / location</b>	
<b>Line Manager</b>	
<b>Date of Appointment to Council</b>	
<b>Start date applied for the Career Break</b>	
<b>Expected Return Date</b> (min 3 months, max 12 months)	
<b>Reason(s) for the Career Break</b>	
<b>Pension decision</b>	To pay contributions / Not to pay pension contributions* *Please delete as necessary
<b>If you want to pay your pension contributions when do you want to pay them</b>	Monthly / On return to work* *Please delete as necessary
<b>Dates of previous Career Break(s)</b> (min 3 yrs previous)	
<b>Employee's signature</b>	Signed: _____ Date: _____

<b>To be completed by the line manager</b>	
<b>If accepted – how will the post be covered?</b>	
<b>Keep in touch arrangements</b>	
<b>Agreed date of return</b>	
<b>Please provide full business justification if the application is to be recommended to be postponed or declined</b>	
<b>Line Manager's Recommendation</b>	Comments:  Potential Costs i.e. statutory leave and employer pension contributions:  Accept / Postpone / Decline* *Please delete as necessary
<b>Line Manager's signature</b>	Signed: _____ Date: _____ Name: _____ Post: _____
<b>To be completed by the Senior Manager</b>	
<b>Senior Manager</b>	Comments:  Accepted / Postponed / Declined* *Please delete as necessary Signed: _____ Date: _____ Name: _____ Post: _____
<b>Service Centre advised</b>	Date: Signed: (Line Manager)