

**NOT PROTECTIVELY MARKED**

## **GWENT POLICE CAREER BREAK PROCEDURE**



### **1.1 Procedure**

**Gwent Police recognises that there may be occasions whereby police personnel wish to apply for a career break to enable them to undertake activities which requires a break from employment.**

**This scheme applies to any police personnel who have completed two years continuous service and have successfully completed their probationary period.**

The aim of this procedure is to inform police personnel of the eligibility requirements and the application and approval process to ensure that it is used appropriately.

This procedure is for guidance only as it is not intended to have contractual force.

**The application form can be found next to this procedure on the front page of the intranet policies site.**

**PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE**

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### **1.2.1 Qualifying criteria**

The scheme applies to any police personnel who have completed two years continuous service.

A career break period, or periods, will total no more than 5 years and police personnel will not be required to resign in order to commence an approved career break. The Chief Constable has the discretion to agree a longer total period in exceptional circumstances.

The scheme will not apply to individuals who:

- are still within their probationary period
- are the subject of disciplinary action
- have not completed two years pensionable service

Police staff who meet the above criteria and are employed under a fixed term contract will be eligible to apply for a career break unless the reasons for refusal can be objectively justified.

Granting of a career break will be dependent upon the fact that there must be a good and valid reason for requesting a career break, e.g.,

- care for dependant children, relative or partner
- personal health reasons (maximum of 12 months)
- additional reasons considered appropriate by the chief officer chairing the Resource Strategy Board
- career breaks will not be granted if it is primarily to take up alternative employment, even if it is with another police service, unless there is specific proven benefit or need to Gwent Police. Such decisions on whether there is a specific proven benefit or need to Gwent Police will be within the exclusive discretion of Gwent Police. If a Chief Officer does not agree there is a proven benefit or need, individuals will be expected to resign if they wish to work elsewhere.
- Career breaks may not be granted if the individual faces possible significant physical or psychological risk during their career break activity. For example, this may include travelling to countries against Foreign and Commonwealth Office advice, but each applicable case will be judged on its own merit.

### **1.2.2 Specific Instructions**

The application must be supported by the service area/department head. Where an application is not supported, detailed reasons must be submitted to the Deputy Chief Constable via the HR Manager. Service area/department heads should also consult with their HR Adviser or the HR Manager for guidance.

The period of absence must be agreed at the time of application and full details of the absence must be clarified and confirmed, for example details and location of family care information must be provided. This will be balanced with the protection of an individual's right to privacy. The length of the proposed break should not be less than six months.

If the individual faces possible significant physical or psychological risk during their career break activity, a risk assessment must be carried out by the line manager.

Applicants must be prepared to be re-engaged during the career break for essential operational requirement or training purposes, to demonstrate their prime commitment to Gwent Police.

The applicant must sign a Career Break Agreement in compliance with the criteria and Career Break Policy, confirming their understanding that their contractual benefits and entitlements will cease to accrue during the period of their career break.

The application must be submitted through the HR Manager and the granting of a career break application must be authorised by a Chief Officer.

Any outstanding annual leave must be taken prior to commencement of the career break, no payment in lieu will be made, and no leave will accrue during the career break.

The facility for deductions from pay to staff associations etc will cease, and police personnel wishing to maintain membership must make separate arrangements.

Police personnel on career breaks will not be permitted to contribute towards the Gwent Police pension scheme, and whatever has been accrued in the pension scheme prior to the career break will be frozen and contributions may be resumed upon re-entry to Gwent Police from the career break subject always to the rules of the police pension schemes or Local Government Pension Scheme in force at that time.

The career break agreement may be terminated by the individual during the career break, and such termination must be in writing to the HR Manager. At least one month's notice of 'Intention to Return' must be given prior to

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returning from a career break. Such notice must be in writing and addressed to the HR Manager. Failure to notify one month in advance, and failure to return to Gwent Police on the due date will effectively terminate the Career Break Agreement and Gwent Police will have no obligation to reappoint. The termination date will therefore be noted as the last day of the career break.

Police officers living in a police property at the outset of the career break will have the option of either vacating the said premises or meeting in full the charge by the Force. In circumstances where a police officer is living with/married to a police officer, this would be subject to the partner/spouse's eligibility for provided accommodation.

A career break will not extend beyond the compulsory retirement age for police officers. There is currently no compulsory retirement age for police staff.

If during any stage of the career break process officers or staff feel they have been unfairly treated they may appeal through the Fairness at Work Procedure.

In relation to uniform and equipment, these may be retained by the individual or returned, depending on individual circumstances, e.g., length of the career break or whether a person remains in their home whilst on career break. Warrant and ID cards should be retained by the individual as they are not deemed to have resigned.

### **1.2.3 Application for Career Break**

An application for a career break should initially be discussed with the line Manager. Advice may be sought from HR Advisers at line manager's request. Clear objectives and timescales for the career break should be established.

The career break application form must be submitted at least three months in advance of the commencement date of the career break.

However, in cases of extreme hardship, (say for example serious illness of a partner/close relative) discretion may be exercised by a Chief Officer.

There will be a requirement to undertake a medical examination prior to commencing a career break, and prior to return, in order that relevant comparisons can be made on the appropriate level of fitness for work, and reasonable adjustments can be made if required upon return.

The career break cannot commence until authorisation has been granted by a chief officer.

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#### **1.2.4 The Career Break**

During a career break police personnel must:-

- i) comply with Police Regulations/Police Staff Council conditions, whichever is applicable
- ii) notify the Resourcing Manager within two weeks of any change of address and contact telephone number so that contact may be maintained and records updated
- iii) maintain a standard of conduct that will not bring Gwent Police into disrepute.
- iv) notify the Force in writing of any accident, sporting (or other) injury.
- v) agree to attend court if required (reasonable expenses and salary based on last spinal point will be paid).
- vi) notify the Force Vetting Manager of any plans to travel abroad for more than 3 months or more at any time during their career break.

Objectives and timescales may be reviewed at any time by written agreement between a Chief Officer and the individual.

Police personnel will be under a general duty to inform Gwent Police of any circumstances which may affect the agreed objectives or timescales of a career break. Police officers must not undertake full time education or activities for which they are paid, reimbursed expenses or which involve them in the sale of goods or services without the agreement of a Chief Officer. In accordance with Regulations 7 and 8 of Police Regulations 2003 and Police Staff Written Terms and Conditions of Employment, police officers and police staff will be allowed to have a business interest during their career break provided that it does not conflict, or is not incompatible with their being a member of the Force. This decision will be made by a Chief Officer.

Where a Chief Officer has reasonable grounds for believing that the agreed objectives and timescales of a career break may not be achievable, he/she may require that the individual attends a review. As the result of such a review, the Chief Officer may require that the individual returns to work, after a minimum period of one month. In such circumstances, the individual will be allowed to make appropriate representations before a final decision is reached by the Chief Constable.

### **1.2.5 Travelling abroad whilst on a Career Break**

Police officers and staff planning to travel abroad (for a period of three months or more) must make an appointment to see the Force Vetting Manager *prior* to starting their career break. The Force Vetting Manager will then advise the post-holder how travelling abroad can affect their vetting status and what documentation will need to be provided on their return to work.

It is the responsibility of the police officer or employee to notify the Force Vetting Manager of any plans to travel abroad for a period of three months or more, during their career break.

### **1.2.6 Return to Work**

#### Police Staff

The Resourcing Manager will endeavour to identify employment which is of a broadly similar nature and level to that which the employee performed prior to the career break. Provided that this is possible, the employee will retain their previous grade and salary point updated in line with national pay awards.

A police staff employee will be offered up to a maximum of three posts in the 3 months from their re-commencement date after the end of their career break. It cannot be guaranteed that police staff employees will return to the same service area/department or same grade in which they were employed prior to their career break. Should a post be offered at a lower grade and salary point than that previously paid, a variation of contract will be offered. No salary protection will apply and the individual will receive the holiday entitlement appertaining to that grade.

Career break returners do not take precedence over police staff who have been displaced as a result of organisational change. In a situation where there are redeployees who have been displaced in the organisation as a result of re-structuring, a career break returner will be considered for a vacancy at the same time as redeployees. This may mean that a career break returner and a redeployee are required to compete for the same vacancy.

If, at the end of three months, no posts have been identified or the career break returner has not been successful in a competitive selection process alongside a redeployee, the situation will be reviewed and discussed with the employee. If at the end of the three months, upto three offers have been refused, steps will be taken towards dismissal. There will be no entitlement to a redundancy payment if redeployment offers have been unreasonably refused, however there may be an entitlement to a redundancy payment if

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suitable alternative employment has not been identified within the three month period.

Upon returning to work, previous service prior to starting the career break will count for annual leave, pay, redundancy, continuous service, sick pay, and notice entitlement. The period of the career break, however, will not count for these purposes.

### Police Officers

Prior to return following a career break, police officers will be required to make contact with the Resourcing Manager, People Services department to identify their posting, which will be dependent upon vacancy levels at that time. Arrangements will be made between the Resourcing and Learning and Development teams or a workstream/departmental representative to identify re-entry training needs and agree a re-entry training plan which could require them to attend at training venues to reach the required standards.

A police officer will resume the same spinal point for pay, as at the commencement of their career break and will resume rent/housing allowance if received prior to career break. Officers will also resume their previous holiday entitlement.

Return to duty or work following a career break will not be subject to a probationary period for police officers or police staff.

In the absence of contact from police personnel who are due to return from their career break, the Resourcing team will write to the individual at their last known address. If no response is received, steps will be taken towards dismissal.

### Vetting prior to return from Career Break

Individuals who have been on a career break will submit a full vetting application, including a declaration indicating whether or not they have come to the attention of the police or relevant Law Enforcement Agencies, to the Resourcing Manager, People Services, prior to their return. The vetting application will be clearly marked indicating the length of time the officer or employee has been on a career break together with any time spent out of the country.

If any adverse information (likely to give rise to disciplinary action or misconduct proceedings) is found or declared during the vetting process the Force Vetting Manager will notify the Professional Standards Department. Consideration will then be made as to whether appropriate action against the officer or employee will be taken.

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### **1.2.6 Maternity Provision**

Police officers and staff who become pregnant while on a career break are entitled to the same maternity benefits as staff not taking a career break. A woman on a career break who becomes pregnant should notify the designated personnel officer of their previous division/department immediately. The provisions of the maternity leave scheme will take effect and the career break will be suspended. The maternity guide outlines the entitlements but, for example, where eligible, police officers who have 63 weeks continuous service before their expected week of childbirth will be entitled to receive 3 months (i.e. 13 weeks) paid maternity leave and police staff with more than 1 year's continuous service at the 11<sup>th</sup> week before the EWC will receive 6 weeks full pay and 12 weeks half pay. Payments will be based on earnings prior to the career break. Women may not be eligible for statutory maternity pay due to the rules surrounding SMP.

Resumption of the career break in due course will be subject to further agreement between a Chief Officer and the woman concerned. Adoption and Paternity Rights will be considered in the same context as Maternity Provision.

### **1.2.7 Pensions**

Pension rights will be affected by taking career break period/s and before going on a career break, individuals should consult either the Exchequer Services Manager or Capita (police officers) or Torfaen County Borough Council (police staff) for further details of the effect their proposed career break will have on their individual pension circumstances.

#### **Police Officers**

##### Buy-back of service

Police officers can not buy back pensionable service on their return.

It is up to officers to consider whether they wish to make additional voluntary contributions (AVCs) through a personal provider to make up any shortfall in their service period.

##### Pensionable status during career break

An officer remains a member of the force whilst on career break and therefore remains part of the Police Pension Scheme, unless he or 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.

In the event of a pension becoming payable in respect of an officer on a career break, the average pensionable pay to be applied would be that at the time immediately before the career break, with pension increase applied as appropriate. If an amendment to the current definition in the Police Pensions Regulations of average pensionable pay is necessary to give effect to this policy, it will be backdated to when the PNB Agreement took effect.

### Police Staff

Police staff may pay pension contributions for a career break which lasts up to 3 years, if they elect to do so within 30 days of their return to work, in which case, employer contributions will also be made for that time. Employees on career breaks for more than 3 years will have their pension benefits preserved until their return to work. However, they will only be able to buy back pension benefits for a maximum of 36 months. In all other cases the rules of the scheme apply. Further information should be obtained from the Pensions Department at Torfaen County Borough Council.

If a police staff employee does not return from a career break, they will have 30 days from their termination date to elect to pay pension contributions for the period of the career break.

This procedure replaces all previous career break procedures

### **2.0 The Legal Basis and Legitimate Aims**

Annex OO of the Secretary of State's Determinations under Police Regulations, Home Office Circulars 04/01, 33/90 & PNB Circular 00/16 (Advisory).

### **Employment Tribunals**

**Police staff can take action under the following employment statutes:**

- Employment Rights Act 1996
- Employment Relations Act 1999
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- National Minimum Wage Act 1998
- Paternity and Adoption Leave Regulations 2002
- Public Interest Disclosure Act 1998
- Trade Union and Labour Relations (Consolidation) Act 1992
- Transfer of Undertakings (Protection of Employment) Regulations 1981
- Trade Union Reform and Employment Rights Act 1993

**In addition, police officers and police staff can take action under the following statutes:**

- Disability Discrimination Act 1995 (police officers from October 2004)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion and Belief) Regulations 2003
- Equal Pay Act 1970
- Health and Safety at Work Act 1974
- Maternity and Parental Leave Regulations 1999
- Part Time Worker (Prevention of Less Favourable Treatment) Regulations 2000
- Public Interest Disclosure Act 1998
- Race Relations Act 1976
- Sex Discrimination Act 1975
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Working Time Regulations 1998
- where appropriate as amended by the Equality Act 2010

### **Codes of Practice**

The Commission for Equality and Human Rights and ACAS have produced Codes of Practice, giving guidance on good practice in respect of discrimination in the workplace. Infringements of the Codes are not in themselves unlawful, however they can be given as evidence to support claims of unlawful discrimination.

### **3.0 Human Rights Certification of Compliance**

The procedure has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

### **4.0 Compliance with the Welsh Language Scheme**

This procedure aims to comply with the organisation's Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

## **5.0 Risk Assessment and Health and Safety Considerations**

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

## **6.0 Procedure Identification Section**

**Procedure Title:** Career Break

**Reference:** 102/6 issue 4

**Underlying Documents:** Annex OO – Secretary of State’s Determinations, Home Office Circular 14/07, Home Office Circulars 04/01 & 33/03

**Procedure Ownership:** Head of People Services

**Portfolio/Business Area Owner:** Director Resources

**Procedure Written By:** HR Manager / Policy Officer

**Department Responsible:** People Services (HR)

**Procedure Lead:** HR Manager

**Links to other Policies/Procedures:** Equal Opportunities, Information Security, Data Protection, Fairness at Work, Race Equality Scheme, Health and Safety, Guide to Maternity Leave, ACPO National Vetting Policy For the Police Community (Version 3.0)

**Procedure Implementation Date:** 15<sup>th</sup> February 2011

**Procedure Review Date:** Feb 2013