

## Career break scheme (1 to 12 months)

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## Definition

A career break is an agreed period of unpaid leave (minimum 1 month, maximum 12 months) at the end of which the University will make all reasonable efforts to allow the employee to return to their previous role, or a similar role with the University. There is no statutory provision for, or automatic entitlement to, career breaks but the University recognises that there may be circumstances in which it may be beneficial for employees to take an extended period of time away from work.

The career break scheme is not contractual and can be withdrawn at any time.

## Benefits for employees

Career breaks allow employees to maintain their work-life balance. A career break may be requested for a wide variety of reasons, for example:

- A period of caring responsibilities (NB separate provisions apply for maternity, paternity adoption and shared parental leave, and unpaid parental leave - see [family leave](#))
- To undertake a period of training
- To undertake a period of voluntary service overseas
- To accompany a partner working overseas or visit family living overseas

A career break cannot be used for the purposes of taking paid employment with another employer, or setting up a private business venture. In order for the University to hold open employment for an individual, they must have a clear intention to return to work at the end of the break. (In some circumstances the [Secondment scheme](#) may allow a period of working for another employer whilst maintaining a University contract.)

## Benefits for the University

Career breaks allow the University to attract and retain staff by demonstrating the University's commitment to the long term career and personal development or wellbeing of employees at all stages of their lives, by allowing them to adjust their work-life balance according to their personal needs. Allowing a career break can assist in the development, retention and return of key staff whose contribution is vital to the future success of the University. In terms of a business case, improved retention reduces recruitment and training costs.

## Detail of the scheme

### Length of leave

Staff may request to take a career break of between one and 12 months. The period of leave must be agreed in advance. Each employee may take a maximum of two breaks (of up to 12 months each) during their working career with the University and must have at least five years continuous service between each agreed break.

### Eligibility

All support and academic-related staff<sup>1</sup> with a minimum of three years continuous service may apply for a career break provided that:

- they have not made a request for a career break within the previous 12 months; and
- they have not taken a career break within the last five years of continuous service and have taken no more than one previous career break during their working career with the University.

It would also be expected that a member of staff had completed their probation period in their current job.

### Notice

Individuals requesting a career break must normally do so at least six months before they intend to commence their period of leave. This is in order to allow time for a request to be considered and, where agreed, for arrangements to be made to cover the post during the leave. This may involve recruiting a fixed-term replacement, engaging temporary agency staff, organising a secondment, or other appropriate reorganisation of work. It is recognised that in some circumstances it is not possible for an individual to give this much notice (ie a sudden change in personal circumstances) and managers are expected to use their discretion in considering requests.

### Pensions

Employees are strongly encouraged to speak to a pensions adviser to see how the break will affect their pension before applying for a period of leave. The period of the career break will not count as pensionable service and during the unpaid leave the pension will be suspended. The pensions team can advise whether the employee can make special contributions in order to maintain death in service and ill-health entitlements during the period of leave. No employer pensions contributions will be made. Upon return to work the individuals who are members of OSPA or USS will be automatically re-enrolled into the [salary exchange](#) scheme unless they give notice that they do not wish to participate.

### Contract

The employee will continue to be bound the terms of their contract during the break, in particular with regard to the provisions related to intellectual property, confidentiality, conflict of interest and IT regulations.

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<sup>1</sup> Academic staff should speak to their division. Further guidance on leave arrangements for academic staff may be found at <http://www.admin.ox.ac.uk/personnel/staffinfo/academic/guidelinesforleave/#d.en.41015>

## Salary

Career breaks are unpaid.

Incremental progression rewards experience gained in the role during the year running up to the incremental date. In order to qualify for normal incremental progression, an employee taking an unpaid career break must have been at work, in their normal role, for at least three months of the incremental year (ie 1 August to 30 July for support staff and 1 October to 30 September for academic-related staff). This mirrors the arrangements for new starters who qualify for incremental progression if they have accrued three months continuous service at the incremental date.

The individual will benefit from any cost of living rises which have been applied to the University's salary scales, upon their return to paid work.

Any salary sacrifice arrangements will be suspended during the career break. If you are in receipt of childcare related benefits, such as childcare vouchers, please contact the Childcare Services team to find out how a period of unpaid leave will affect those schemes. See also <https://www.gov.uk/help-with-childcare-costs/childcare-vouchers>

## Staff with fixed-term contracts and those funded by external sponsors

Staff with fixed-term contracts must have sufficient service remaining on their contract to cover the full period of the requested leave and a period of at least six months after their return to work.

A Research Principal Investigator may also need to consider the requirements of the research project and may not be able to agree to a career break for operational reasons.

Where the salary for the post is provided by an external sponsor, or where the individual is engaged in work funded by an external sponsor, it may be necessary to seek the approval of the sponsor. Research Services should be consulted.

## Staff working on Tier 2 or Tier 5 visas

The Staff Immigration Team must be consulted before considering any applications from this group of staff. Staff working on limited term visas may not be eligible to take unpaid leave under the terms associated with their immigration status.

## Interaction with family leave

Other than in exceptional circumstances it is not expected that a career break would be attached to a period of family leave. Where it is agreed that an employee can take a career break immediately after maternity, adoption or shared parental leave and the employee subsequently resigns without returning to work the employee will normally be expected to repay the contractual elements of the family leave pay and the career break will not count as a 'return to work' for these purposes.

## Claiming other benefits

Individuals who are taking a career break for caring responsibilities should seek advice from statutory agencies regarding any entitlements to benefits during their leave, for example carers may be able to claim some carers' allowance.

## Tax and National Insurance

As leave is unpaid there will be no tax deductions, but a tax adjustment may be required in the event that tax has been overpaid, or, for example, where an employee goes overseas during their career break. Employees are responsible for exploring their personal tax liabilities directly with HMRC.

The period of unpaid leave may mean a gap in National Insurance contributions and the employee may also want to explore whether to pay voluntary National Insurance contributions to maintain their service entitlement to benefits such as state pension.

## Arrangements before a period of leave

### PDR

It may be helpful for the employee and line manager to have a PDR discussion before the leave begins to review recent work performance, and consider the plans both for the work the individual normally does during the period of their absence, as well as their career plans and aspirations for after they return.

### Departmental equipment, email, etc

Before a career break commences employees will be expected to return all departmental equipment (laptops, phones, credit cards, keys, etc). Individuals should not expect to be granted access to the department's facilities during the leave.

Agreement should be reached about redirecting or providing delegated access to email, and arranging for access to other work-related systems, files, etc during the absence.

### Loans

Any 'loan schemes' such as travel passes, cycle purchase or hardship loans must normally be paid in full before the period of unpaid leave commences.

### Annual leave

Where a career break period will run across more than one holiday year, any annual leave that has been accrued but not yet taken must be taken before the period of unpaid career break may be started. During the period of unpaid leave statutory annual leave entitlement will accrue (28 days per year inclusive of bank holidays). This will be included within the career break and will be on an unpaid basis.

## During the Career Break

### Work during the leave

Departments may require an individual who is taking a career break to attend work for particular short periods or particular dates during the leave: for example for training, to assist at an event, or for particular periods of intense activity. The employee will be given reasonable notice of the dates and details of any such work, which will be agreed in advance, and employees would be paid at their normal rate of pay for work done.

A career break cannot normally be used to enable an employee to take on employment with another employer, or to develop a personal business venture. However, there may be circumstances under which the employee needs to take on some paid employment during their agreed leave. In such circumstances they must seek prior approval, in writing, from their Head of Department before taking up the employment. Such approval is at the absolute discretion of the Head of Department, and in all circumstances it must be clear that there is no conflict of interest. The normal arrangements concerning [approval to hold outside appointments](#) will apply.

## Annual leave

Employees on a career break will accrue entitlement to statutory annual leave only (28 days per 12 months inclusive of bank holidays) which must be taken during the period of the career break and will be on an unpaid basis.

## Reward and Recognition and other merit schemes

In common with other staff who work for part of the review period, those taking unpaid leave should be considered for their contribution in the portion of review period that they work and any payment made on a pro-rata basis.

## Continuity of service and associated benefits

The career break will not be treated as a break in continuous service with regard statutory entitlements and benefits. In calculating total years of continuous service for the purposes of redundancy pay the period of unpaid leave will be counted as continuous service. With regard to contractual, enhanced, benefits which rely on continuous service it will not count as eligible service, eg the contractual sickness leave scheme or long service additional leave where the level of benefit is determined by the number of years' continuous service. For such purposes the period of the unpaid leave will be discounted and total eligible service will be aggregated by adding service before the career break leave to any service after return from career break leave.

An employee who becomes a parent, or an expectant parent, during a period of unpaid leave should be aware whilst an unpaid leave break may not affect eligibility for statutory **unpaid** family leave, in order to qualify for both statutory and contractual **paid family leave** schemes the eligibility criteria require a minimum earning threshold to be met during a particular period. Individuals should seek advice about their own circumstances and read the guidance carefully.

## Reorganisation and redundancy

In the event that reorganisation or redundancy needs to be considered during the period of the career break the employee will be treated in the same way as other employees, but may be kept up to date by correspondence, if necessary. Redundancy pay, where due, will be based on the salary immediately prior to the period of leave. In the event that notice is served during the planned period of unpaid leave the notice will be on an unpaid basis.

## Changes to agreed length of career break

Should the employee's circumstances change such that they wish to return to work earlier than the planned date, this may be arranged by mutual agreement but there is no automatic entitlement to return early, particularly where a replacement has been appointed to cover the role during the employee's planned absence. Notice of any change will normally require at least 12 weeks' notice.

Should the employee wish to apply to extend the period of the career break (the total maximum period of 1 year for the period of leave applies) then a request for a change should be made at least 12 weeks before they were due to return. There is no automatic right to have a period of leave extended although in exceptional circumstances such requests may be approved on a case by case basis.

## Sickness during a career break

In the event that an employee is sick during their career break they will not be entitled to the provisions of the paid sickness absence policy.

## Keeping in touch

A career break presupposes an eventual return to work, and as part of considering an application for unpaid leave, the University and the employee must consider the most appropriate mechanisms to keep in touch in order to ease this return. Agreement should be reached about how, and how frequently, contact will be maintained. For example, the employee might agree to contact their line manager on a monthly basis for a brief update, or the line manager might arrange to send a regular email attaching departmental updates such as newsletters. In any event the employee must ensure that the department has current contact details so that any time-sensitive communications can be sent to them promptly.

Employees may, by agreement and where appropriate, engage in up to 10 days of work for the University during their period of leave, in particular if this is necessary to maintain particular job related skills, or undertake training to enable them to return to their job effectively. Where the department has agreed to the career break on the basis that the individual will come into work, for example to assist at an event, or to work during a period of particular intense activity, or to undertake training that is required to enable a return to previous duties, it is expected that every effort will be made to attend. Payment for such days will be at the normal rate of pay the employee earned prior to their period of leave (normally calculated as annual salary divided by 52 weeks, divided by normal weekly hours for the grade, to give an hourly rate of pay). Such work does not count towards continuous service for enhanced, contractual entitlements.

During the period of leave the employee will be expected to keep abreast of developments in their field and maintain any memberships of professional bodies which may be required for their return to work.

## Return to work

The University will make all reasonable efforts to allow employees to return to their previous post, or an equivalent post, at the end of the career break (except in the event that a reorganisation or redundancy process has commenced, see above). However, the University reserves the right to allocate the employee to a similar post on no less favourable terms and conditions of employment either within the original department or another department of the University.

Where the individual wishes to request to return to work on different terms and conditions, for example to a different working pattern, such a request should be made through the normal flexible working route but there is no automatic right to return to different terms and conditions.

Employees are encouraged to make contact with their department in good time (and no later than one week) before their expected return date to finalise arrangements. As noted above, 12 weeks' notice is required to make any changes to agreed arrangements.

Departments are encouraged to consider setting in place a programme of re-introduction or reintegration for the individual as they would for an employee who has been away on family or other extended leave.

Should the employee decide to resign from their post and not return to work the contractual notice period will apply. In the event that the employee fails to return to work on the agreed date this will be treated as a serious disciplinary issue, unless the absence relates to sickness in which case the normal sickness notifications arrangements apply.

## Making an application

If you wish to apply for a career break the first stage is to discuss this with your line manager. An application form is available which should be submitted to the departmental administrator.

## Considering requests

Requests for career breaks may be complex for departments to consider but it is expected that a decision will be made within 1 month of application. It is not always possible to approve applications and employees should not make firm plans until an application has been formally approved in writing by the Departmental Administrator or Head of Department, and a contract amendment letter has been issued, and signed and returned by the employee. The granting of a career break and the duration of the break are entirely at the University's discretion and the decision of the Head of Department will be final.

### **In considering applications departments should review:**

- the potential benefits of the proposal which may include improved productivity, morale and commitment, retention of key staff and/or salary or other cost savings
- the purpose of the leave/reason for request: whilst not expected to make value judgements about requests, where an individual is requesting the leave for acute caring needs such as end of life care, departments are asked to give special consideration to the request
- the individual's length of service
- the anticipated workload during the proposed absence
- whether the change can be accommodated without adverse impact on the work of colleagues, the department, students, research sponsors, service users or any other relevant third party
- the long-term plans for the department and the postholder's role. For example, where an individual's area of work may be planned for restructuring or review, this may be more difficult to manage if they are away from the workplace
- the individual's performance: for example, where an individual is being performance managed or under a warning, the procedure should be satisfactorily completed before a period of leave is agreed
- the operational and strategic needs of the University including the need to retain key skills, knowledge, and experience: where an individual's skills and experience are particularly important to the department it will be important to consider requests positively in order to facilitate retention
- the department's ability to cover the post on a temporary basis during the absence, and the potential for returning to the same, or similar, post at the end of the requested break
- any additional costs caused by the absence: requests are subject to agreement and operational constraints and in some cases it will not be possible to cover additional costs of training a replacement for a temporary post
- issues of fairness and equality within the broader team and department
- the notice given by the employee
- any previous career breaks taken by the individual during their University employment.

The above list is non-exhaustive and other factors may influence decision making.

Where the arrangement proposed cannot be accepted for operational reasons, possible alternatives should be considered and discussed with the individual before a final decision is reached. Where a request cannot be agreed the reason will be set out in writing to the applicant, and the Head of Department's decision will be final. A further request cannot be made for 12 months.