

Lincolnshire Police

Policy Document



Career Break Policy

Code of Ethics

All staff involved in carrying out functions under this policy and associated procedures and appendices will do so in accordance with the principles of the Code of Ethics. The aim of the Code of Ethics is to support each member of the policing profession to deliver the highest professional standards in their service to the public.

Reference Number:	PD 79 (6)
Policy Sponsor:	ASSISTANT CHIEF OFFICER (RESOURCES)
Policy Owner:	HEAD OF HUMAN RESOURCES, HUMAN RESOURCES DEPARTMENT
Reviewer:	Hayley Measures, HR Case Officer, HR Operations
Publication Date:	July 2017
Review Date:	July 2019

Version	Date:	Reason For Issue:
4	January 2017	Biennial Review
5	February 2017	1% of workforce on a career break
6	June 2017	Removed reference to % on a career break Reference to regulation 29 added to section 11.1 Clarified staff members terms of career break whether resigned or still employed

Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

Other legislation/law which you must check this document against (required by law):

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Crime and Disorder Act 1998](#)
- [H&S legislation](#)
- [Data Protection Act 1998](#)
- [Freedom Of Information Act 2000](#)

Security Classification**Policy to be published on Intranet: Yes****Policy to be published on Force Website: Yes****Authorised Professional Practice (APP)**

This Policy has been checked against APP and there is none in relation to the subject matter of this Policy.

1 POLICY AIMS

- 1.1 Lincolnshire Police is committed to fair treatment and providing equality of opportunity in the employment of staff and aims to retain valuable skills and experience.
- 1.2 The general aim of good employment relations is to harmonise conditions of service wherever possible and this policy considers career breaks for both police officers and police staff.
- 1.3 Career Break provisions are linked to length of service and are in accordance with Police Regulations, individual Terms and Conditions of Employment and therefore entitlements may vary. The provisions are applicable to part time as well as full time employees.
- 1.4 The Career Break Policy aims to retain officers and staff in the Force to minimise recruitment and replacement training costs and support their work life balance where possible.
- 1.5 By adopting the policy the Force's approach is clear and consistent and applications from officers and staff are considered fairly regardless of the protected characteristics of the individual.

2 POLICY STATEMENT

- 2.1 There is no statutory entitlement to a career break for either police officers or police staff. Applications will be determined according to:
 - Strength and staffing levels in the Force
 - Operational needs
 - Resilience levels in the area
 - Potential resourcing levels
 - Ability to cover demand
 - The purpose of the career break
- 2.2 Each application for a career break will be considered on a case by case basis. A career break can be applied for the following circumstances:

- Childcare
- Care for dependents
- Course of full time education
- Personal development e.g. vocational work/travel

2.3 In order to be considered for a career break, officers and staff must meet the following criteria:

- Have successfully completed their probationary period.
- Have a current PDR and be assessed as competent in their current role (Grade B or above for officers).
- No current misconduct/disciplinary sanctions applied and no pending misconduct/disciplinary actions.

3.0 APPLICATION PROCESS

3.1 Applications should be submitted in writing to the individual's Line Manager at least 12 weeks before the proposed date of commencement of the career break.

3.2 The Line Manager considers the request in line with the eligibility criteria and operational requirements and submits their recommendations to the Head of Department/Chief Superintendent who will decide if the application can be supported. Recommendations from the Head of Department/Chief Superintendent will be submitted to the Assistant Chief Officer (Resources) for a final decision as to whether the request is approved or not.

3.3 Decisions will be notified to the applicant within 28 days of receipt of the application, with written reasons provided. Where the career break has been accepted, a copy of the career break policy will be included with letter as the conditions of the career break.

3.4 Any appeal against the rejection of the career break application must be submitted to the Chief Constable within 28 days of the receipt of the notice of rejection. The Chief Constable's (or their delegate's) decision will be notified to the individual in writing within 28 days of receipt of the appeal. The Chief Constable's decision is final.

4.0 DURATION OF THE CAREER BREAK

4.1 The duration of the career break will be agreed between the individual and the Assistant Chief Officer (Resources) for up to three years. The commencement and return dates, and the objectives of the career break, will be agreed before it commences.

4.2 For police officers the career break should not extend beyond compulsory retirement age; 60 for federated ranks and 65 for non-federated ranks. There is no compulsory retirement age for police staff.

5.0 TERMS AND CONDITIONS OF AN AGREED CAREER BREAK

- 5.1** Police officers on a career break are not required to resign and officers will retain their warrant card.
- 5.2** Police officers who take career breaks remain subject to Police Regulations for the duration of the career break.
- 5.3** Police staff may not be required to resign. Refer to section 6 for more information if a staff member is required to resign.
- 5.4** If the application is approved, written confirmation will be given subject to the individual accepting the terms of the career break within this policy.
- 5.5** Police officers and staff will remain subject to the Code of Ethics and Standards of Professional Behaviour.
- 5.6** Restrictions under police regulation 9 (section 6 in the police staff council) on business interests and 10 on private life, section will continue to apply. In particular officers and staff must not undertake activities for which they are paid, reimbursed expenses or which involve them in the sale of goods or services without the prior agreement of the Chief Constable.
- 5.7** Officers and staff will be required to keep the HR department informed of their address and contact details during their career break. Anyone undertaking full time education or other paid employment, subject to the above conditions will also be required to provide details of the name and location of the organisation.
- 5.8** It may be necessary to return to the force for a short period of time to satisfy any need to keep up to date with new legislative requirements. This would be arranged by mutual agreement and due consideration will be given to the individuals' circumstances at that time.
- 5.9** Unless required to attend court, individuals will not normally be recalled to duty during a career break. However, in conditions of extreme emergency, (major disasters and the implementation of business continuity plans), individuals must be prepared to return to duty at short notice.
- 5.10** Officers returning from a career break can be posted anywhere in the county or to any role when returning to force. Staff may also be posted to an alternative suitable role if their original role is no longer available.

6.0 PAY AND BENEFITS

- 6.1** Individuals will not be paid during their career break.
- 6.2** The duration of the career break will not qualify as reckonable service for pension, pay, contractual annual leave, sick pay, accrual of increments or any other service related benefits. Entitlement on return will be identical to that prior to the

commencement of the career break, subject to relevant changes in Regulations, Police Negotiating Board agreements or other national terms and conditions.

- 6.3** Provision should be made for granting any remaining annual leave entitlement accrued before the commencement of the career break.

6.0 WHEN A POLICE STAFF MEMBER HAS RESIGNED

- 6.1** There is no statutory entitlement to a career break and therefore, if a staff member is required to resign in order to take a career break, there is no guarantee that suitable employment will be available when the individual wishes to return to the workplace or that they will be successful in their application. Arrangements to return to work after a career break are not legally binding and could mean ending the existing contract of employment prior to a career break commencing.

- 6.2** If an individual is required to resign from their post to commence a career break, in reaching this decision, consideration will be given to the length of the career break, the requirement to fill the post, the nature of the post and the degree of training required for any replacement member of staff.

- 6.3** Where an individual who resigned their position to take a career break wishes to return to employment with the Force, their application will be reviewed favourably due to their previous experience with, and knowledge of the Force. Consideration will be given to the skills of the individual, the business need at the time of the request, and the situation within the Force regarding redeployment and vacancy management.

7.0 HOUSING

- 7.1** Housing/Rent allowance will not be paid during absence on a career break but entitlement on return will be identical to that on commencement of the career break, subject to relevant changes in Regulations.

- 7.2** An officer living in accommodation provided by the force should discuss with the Chief Constable, before applying for a career break, their future in the property. The Police and Crime Commissioner may charge officers who are allowed to remain in police force accommodation for the entirety of the career break. In circumstances where an officer is living/married to a police officer, this would be subject to the spouse/partner's eligibility for provided accommodation.

8.0 UNIFORM AND EQUIPMENT

- 8.1** All uniform and equipment must be returned to the department prior to the commencement of the career break. Any equipment and uniform must be stored securely pending the Officer's return to duty, with the exception of radios and Incapacitant Spray, which will be reallocated or withdrawn as appropriate.

9.0 PENSIONS – POLICE OFFICERS

- 9.1** Service during career breaks is not pensionable but on return from the career break an officer may be able to buy back service at the normal officer contribution rate. For detailed and up to date information officers are recommended to seek advice from the pension scheme administrators.
- 9.2** Officers on a career break will have protected entitlement to all pension benefits at the point of commencement of the career break, including death benefits, enhanced ill-health pensions and injury benefits.

10.0 PENSIONS – POLICE STAFF

- 10.1** If an individual is a member of the Local Government Pension Scheme (LGPS), and returns to work from a career break, they may be able to repay pension contributions for the period of the career break.

It is possible to buy back lost pension resulting from a career break, the employer is however required to meet 2/3rds of the cost provided the employee makes an election to do so whilst they are an active member of the Scheme and within 30 days of returning to work after the period of absence. If the election is made after 30 days and the employee is still an active member the amount of lost pension can still be purchased but it will be at whole cost to the employee (unless an extension to the period is granted). Pension can be purchased for any period of absence but the maximum period for which an employer must meet 2/3rds of the cost, is a period of 36 months.

Individuals are recommended to contact West Yorkshire Pensions, the LGPS pension administrator for further information and guidance.

11.0 MATERNITY, ADOPTION AND SHARED PARENTAL LEAVE PROVISIONS

- 11.1** An individual who becomes pregnant, adopts a child or takes shared parental leave whilst on a career break is entitled to the same maternity benefits and shared parental leave entitlements as those not taking a career break, providing that they satisfy the eligibility criteria detailed in the Force Maternity and Adoption Guidance or the Shared Parental Leave Guidance (where applicable).

Further information and guidance is detailed within the Lincolnshire Police Maternity and Adoption Guidance and the Lincolnshire Police Shared Parental Leave Guidance and in accordance with the determination for regulation 29.

- 11.2** An individual on a career break who becomes pregnant, adopts a child or intends to take shared parental leave should give notice as soon as reasonably practicable of the expected date of birth of the child. In the case of adoption, the individual should give notice of the day of the adoption. The provisions of the relevant maternity or adoption scheme or shared parental leave will then take effect, and the career break suspended at the appropriate date, unless the individual expressly states in writing

that they do not wish them to apply.

- 11.3** The career break will be resumed following the period of maternity, adoption or shared parental leave to the agreed original duration of the career break.

Example 1: A female officer has a 3 year career break and suspends the career break after 2 years for 1 years' maternity entitlement. The individual then resumes their career break for the remaining duration of 1 year.

Example 2: A male officer has a 2 year career break and suspends the career break after 1 year to take 26 weeks shared parental leave statutory entitlement. The individual then resumes their career break for the remaining duration of 1 year.

- 11.4** Where police staff have resigned from their position they are not eligible for occupational maternity, adoption or shared parental leave benefits as they no longer have a contract of employment.

12.0 CONTACT

- 12.1** During a career break it is the individual's responsibility to ensure they remain in regular contact with the Force and keep the Force updated with any changes to their personal circumstances (change of address, contact details etc).

13.0 CAREER BREAK REVIEWS

- 13.1** Police officers and staff should establish the career break objectives and timescales with the Chief Constable (or their delegate). These may be reviewed at any time during the career break by agreement between the Chief Constable (or their delegate) and the individual.

- 13.2** Individuals will be under a general duty to inform Lincolnshire Police of any circumstances which may affect the agreed objective or timescales of a career break. The Chief Constable's need to know should be balanced with protection of the individual's right to privacy.

- 13.3** Where the Chief Constable has reasonable grounds for believing that the agreed objectives and timescales of a career break may not be achievable they may require that the individual attend a review. As a result of such a review, the Chief Constable may require that an officer/staff member to return to duty/work after a minimum notice period of 28 days.

14.0 CAREER BREAK EARLY RETURN TO WORK

- 14.1** A staff member will only be permitted to return to work earlier (than the previously agreed end of the approved career break) to the same post where it has been held vacant during the period. Where a replacement member of staff has been recruited under a fixed term contract the employee on the career break will be required to wait until the expiry of that fixed term contract. Consideration may also be given to

alternative suitable posts for an early return.

14.2 If an officer decides to return to duty from a career break before the end of the agreed period of leave they shall be permitted to do so, subject to there being a suitable position for them. The minimum requirement is for officers to provide 28 days' notice of their intention to return to force. It is requested that officers provide 12 weeks' notice of their intention to return to Force to enable a suitable posting to be determined and duties to be planned.

14.3 Where the Chief Constable (or their delegate) has reasonable grounds for believing that the agreed objectives and time scales of a career break may not be achievable, the individual may be required to attend a review. As a result of the review, the individual may be required to return to duty after a minimum notice period of 28 days and a maximum period of 12 weeks' notice. The individual will have the opportunity to make appropriate representations in writing before a final decision is reached.

15.0 RETURN TO WORK AFTER THE CAREER BREAK – POLICE OFFICERS

15.1 The officer will return to duty on the return date agreed between the officer and the Chief Constable (or their delegate).

15.2 A returning the officer will be vetted prior to their return to Lincolnshire Police. These checks include searching databases held both within the Force and nationally together with financial checks, security service checks and enquiries with other Forces and organisations where necessary as per the Lincolnshire Police Vetting Policy. Officers who do not satisfy the vetting requirements may be subject to formal procedures under the Police (Complaints and Misconduct) Regulations 2012.

15.3 Prior to the actual return to duty, the officer will liaise with their HR representative to determine where they will be posted on return to Force. There is no guarantee that officers will return to their original posting following a career break. Officers should note that they will be required to serve anywhere in the Force subject to operational demand. Liaisons with HR will also determine any development needs and arrange appropriate refresher training.

15.4 Officers should ensure that they maintain their standard of fitness throughout the period of their career break. An officer may be required to attend an appointment with Occupational Health Service to ascertain fitness to resume duties. A returning officer will be required to undertake a fitness test if their role is operational.

15.5 If an officer decides that they do not wish to return at the end of the career break, they should submit a letter of resignation in accordance with Police Regulations giving at least 28 days' notice.

16.0 RETURN TO WORK AFTER THE CAREER BREAK – POLICE STAFF

16.1 The individual should inform their HR Representative in writing at least 12 weeks in advance of their intended return date.

- 16.2** Where their previous post was held as a vacancy or covered by a fixed term contract, every effort will be made to allow the employee to return to the same post and grade, although there is no guarantee that staff will return to their original posting following a career break. A suitable alternative role may be offered instead.
- 16.3** Where the employee was required to resign every effort will be made to identify a suitable alternative role which may be appropriate for them to apply for. However, there may not be anything at the same location or grade and there is no guarantee that their application will be successful. The individual may contact their HR Representative to discuss their possible return to work, subject to there being a suitable vacancy available.
- 16.4** Prior to their return to Lincolnshire Police, the staff member will be vetted. These checks include searching databases held both within the Force and nationally together with financial checks, security service checks and enquiries with other Forces and organisations where necessary as per the Lincolnshire Police Vetting Policy.
- 16.5** Any training and development needs will also be discussed prior to the individual's return to work.

1. Other Related Documents/Appendices:

Appendix A – Career Break Flow Chart

2. Monitoring/Review:

This policy will be reviewed biennial by the HR Operations Department.

3. Who to contact about this policy:

This policy is owned by Steve Morley, Assistant HR Director.

Any enquires about this policy should be directed to Charley Rimmer, Head of HR Operations.

Appendix A – Career Break Flow Chart

Employee applies for a career break in writing to their line manager at least 12 weeks before the proposed start date of the career break

Line manager considers the application and submits their recommendation to the Head of Department/ Chief Superintendent

Head of Department/ Chief Superintendent considers the request and submits the recommendation to the ACO Resources

The ACO Resources give their decision with rationale

The applicant is notified in writing of the outcome (including the policy if the career break has been accepted)

Declined

Accepted

Any appeal must be submitted to the Chief Constable within 28 days of receiving the outcome letter

Chief Constable (or their delegate) considers and responds to the appeal within 28 days of receipt

Declined

No further right to appeal

Career break starts on the agreed date

Employee keeps in touch with Force with any change in personal circumstances

Employee returns to work on agreed end date subject to the terms within the policy

Accepted

PRO-FORMA FOR THE INITIAL EQUALITY IMPACT ASSESSMENT (EIA)

This screening document is the first stage in a two-stage process to take a systematic approach to assessing the impact of an activity on equality. An activity may mean a:

- policy or policy review,
- a business case
- a business plan
- a project initiation
- a decision to implement a service
- a decision to decommission a service.

This screening should be completed by the lead person for the activity with assistance from any of the following departments:

- Human Resources (Where appropriate)
- Equality and Diversity

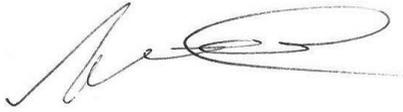
Department:	Human Resources	Section:	HR Operations	Person responsible for initial assessment:	Charley Rimmer, HR Business Partner
Name of the Policy to be assessed:	Career Break – PD79	Date of Assessment:	4 th July 2017	Is this a new or existing policy?	Existing
1. Briefly describe the aims, objectives and purpose of the policy		The policy sets out the application and decision making principles for the Force when dealing with career break requests from both police officers and police staff.			
2. Are there any associated objectives of the policy? Please explain		The objectives are to retain valuable skills of officers and staff whilst seeking to support them in balancing their work and life needs.			
3. Who is intended to benefit from the policy and in what way?		All officers and staff are eligible to submit an application for a career break following successful completion of a probationary period.			
4. What outcomes are wanted from this policy?		Alternative options to resignation should a member of staff or officer needs a period of time away from work.			
5. What factors/forces could contribute/detract from the outcomes?		Operational resilience in the workplace at any one time, demands on the Force and staffing levels across the Force.			

6. Who are the main stakeholders in relation to the Policy?	Officers and staff of Lincolnshire Police.		
7. Who implements the policy and who is responsible for the activity?	Implemented by Human Resources who provide the necessary advice and support to Chief Officer Group and Chief Superintendents on receipt of applications.		
8. Is there any likelihood the policy could have a differential impact on racial groups? (including Gypsies and Travellers)		N	
What existing evidence (either presumed or otherwise) do you have for this?			
9. Is there any likelihood the policy could have a differential impact due to gender?	Y	N	From previous career break requests within the Force, it is evident that it is more likely that female officers may request a career break following maternity leave in order to focus on raising their family should there be no suitable working patterns within their role or the Force. The Force therefore needs to consider each application based on its merits alongside the operational demands of the Force at that time. There is no legal entitlement to a career break and the Force will be making decisions based on all information provided within each application alongside the operational resilience.
What existing evidence (either presumed or otherwise) do you have for this?	Based on the above – however all applications will be considered individually and all are entitled to apply. There are alternative options for a career break.		
10. Is there any likelihood the policy could have a differential impact on due disability?		N	
What existing evidence (either presumed or otherwise) do you have for this?			
11. Is there any likelihood the policy could have a differential impact on people due to sexual orientation?		N	
What existing evidence (either presumed or otherwise) do you have for this?			
12. Is there any likelihood the policy could have a differential impact on people due to their age?		N	

12a Is there any likelihood the policy could have a differential impact on Young People and Children?		N	
What existing evidence (either presumed or otherwise) do you have for this?			
12b Is there any likelihood the policy could have a differential impact on Older People?		N	
What existing evidence (either presumed or otherwise) do you have for this?			
13. Is there any likelihood the policy could have a differential impact on people due to their religious belief?		N	
What existing evidence (either presumed or otherwise) do you have for this?			
14. Is there any likelihood the policy could have a differential impact on people due to them having dependants/caring responsibilities?	Y		As outlined at question 9.
What existing evidence (either presumed or otherwise) do you have for this?			
15. Is there any likelihood the activity could have a differential impact on people due to Marriage or Civil partnership?		N	
What existing evidence (either presumed or otherwise) do you have for this?			
16. Is there any likelihood the policy could have a differential impact on people due to them being Transgender or Transsexual?		N	
What existing evidence (either presumed or otherwise) do you have for this?			

Protective Security Marking:	NOT PROTECTIVELY MARKED
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17. If a differential impact has been identified in 8-16, will this amount to there being the potential for an adverse impact in this policy?		N		
18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?		N		
19. If Yes, is there enough evidence to proceed to a full EIA?			YES	NO
20. Date on which Full impact assessment to be completed by.				

Signed (completing officer) _____ 

Signed (Lead officer) _____

Groups Affected

Please identify the anticipated impact this activity will have on the following population groups.

- Tick the appropriate box and give explanation if so required,
- Please note that there are both likely benefits and adverse impact within the same group
- Any groups highlighted as likely to be adversely affected should be consulted in the second stage Full Impact Assessment if one has been identified as being needed.

	Likely to Benefit	No Impact	Adverse Impact
Disability - Physical ,Sensory, Learning Disability, Mental Health, Carers		x	
Gender - Male , Female			x
Transgender		x	
Race - Traveller and Gypsy etc		x	
Sexual Orientation - Lesbian, Gay , Bisexual		x	
Religion and Belief		x	

Protective Security Marking:	NOT PROTECTIVELY MARKED
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Age - Young and Old		x	
Marriage and Civil Partnerships		x	