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## Career Breaks

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3.00	Policy Simplification Project - Procedure stripped back and written with customer focus to support modernisation and 2026 objectives.	01/04/2019

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## **1 Overview**

### **1.1 What is this about?**

- 1.1.1 Every year Police Scotland and the Scottish Police Authority help officers and staff take time away from work to raise a family, travel the world, study or look after relatives amongst others. The information here tells you how to request and handle requests for a career break.

### **1.2 Who is this for?**

- 1.2.1 This is for all officers and authority/police staff.

### **1.3 Key information**

- A career break is a specified period of unpaid special leave after which an individual returns to work.
- Career breaks are a part of our framework to support the growing needs of our people and to have a more flexible and agile workforce.
- We will do all we can to support career breaks and give full consideration of wellbeing, operational and practical circumstances when making a decision.
- No salary or allowances will be paid during a career break and all service entitlements such as pay, annual leave etc. will be frozen while on the break.
- Requests will be considered within 28 days of their submission.
- Where we get more than one request for a career break from different people in the same place, we will prioritise applications where there are wellbeing considerations.
- Any application or series of applications for a career break should not exceed five years.
- Career breaks will not normally be supported where other paid employment has already been gained, or is sought, unless its sole purpose is financing the break.

## 2 Officer/Staff

### 2.1 What you need to do:

- Check your eligibility and submit your request in good time, telling us how long you want your break to be and when you want it to start.
- Consider different options in case your request cannot be granted or can only be partly met.
- Know that you can appeal the decision if you feel it has been unfairly reached.
- Make sure you maintain some level of visibility or contact with us while absent from work.

### 2.2 Making an application

- 2.2.1 You can make any number of requests for a career break so long as the total period you plan to be absent from work does not exceed five years.

Who can apply?	What criteria must be met?	How you apply?
Serving officers up to the rank of Chief Superintendent who have completed their probation & have been confirmed in the rank of at least Constable.	<ul style="list-style-type: none"> <li>• You should not have a live regulation warning or misconduct disposal on your record.</li> <li>• Satisfactory levels of performance must be demonstrated.</li> </ul>	Requests should be made using form 021-005 and sent to the Head of Strategic Workforce Planning at least three months before you want the career break to start.
Assistant Chief Constable's (ACC) or above.		Requests should be made using form 021-005 and sent to the Scottish Police Authority at least three months before you want the career break to start.
Authority/Police staff who have two years continuous service.	<ul style="list-style-type: none"> <li>• You should not have a live disciplinary warning on your record.</li> <li>• You should not be the subject of a complaint about the police or be</li> </ul>	Requests should be made using form 021-005 and sent to your line manager at least three months before you

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	<p>awaiting a disciplinary hearing.</p> <ul style="list-style-type: none"><li>• You should not have any active performance improvement plan or attendance monitoring plan in place.</li><li>• The period of break must be a minimum six months.</li></ul>	<p>want the career break to start.</p>
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### 2.3 Handling requests for a career break

- 2.3.1 When we get your request to take a career break, a manager may ask to meet with you so that they can talk about it in more detail. You should be ready to talk about it and consider options that address any business concerns there might be. This could include moving the start or end dates or shortening the period. If you are able to adjust your request or make compromises if required, your request is more likely to be approved.

### 2.4 Approved applications

- 2.4.1 On receipt of an approved application, a number of administrative tasks to check any impacts on other benefits or entitlements you may be receiving from us will be carried out and we will write to you outlining the terms of your career break, e.g. housing allowance, sick pay, and annual leave.
- 2.4.2 We will contact Finance, Payroll, IT and your pension provider to tell them when your career break starts so that they can update their records and perform any administrative processes they have.
- 2.4.3 If you a member of the Scottish Police Federation or trade union and pay membership subscriptions to access any of their benefits or provisions you should make contact with them directly for advice and guidance.

### 2.5 Appeals

- 2.5.1 If we refuse your request for a career break, or an extension to an existing career break, you can appeal in writing to People Direct. This appeal must be submitted within 28 days of getting our written decision. You have to give the reasons for your appeal and provide any new information that should be considered as part of the appeal.
- 2.5.2 Appeals will be forwarded for consideration in line with the table below and a decision will be communicated to you in writing within 28 days of submission.

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Appeals from	Appeal considered by
Serving officers up to the rank of Chief Superintendent.	(ACC)
ACC or above.	SPA Board
Authority staff	SPA Chief Executive Officer
Police staff	Director – People and Development

### 2.6 Withdrawing a request

- 2.6.1 You can withdraw a request for a career break at any point before your application has been approved by simply informing People Direct and the receiving manager.
- 2.6.2 If your application has been approved and you want to withdraw it before your break starts you must inform People Direct in writing. We may have already made arrangements to accommodate your absence that could impact our ability to return you immediately to your role and we may need to make other arrangements depending on the notice you give us.

### 2.7 Contact while on career break

- 2.7.1 It is important to make sure you maintain some level of contact whilst not at work. We will agree what level this is and how it will happen before you go. This does not mean we will be getting in touch with you all the time. It is simply an opportunity to make sure we keep each other updated on:
- Structural changes.
  - Changes in personal circumstances, such as changes of address relationship status, location and/or contact details.
  - Opportunities for promotion.
  - Any criminal allegations, charges or offences that have been brought against you.
  - Any awards or commendations you may have been nominated for.
  - Contextual changes that may require a review of the career break terms such as the agreed objectives or timescales no longer being achievable. (officers only)
- 2.7.2 We do require contact to be made at least once per year.

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## **2.8      Appealing a recall**

- 2.8.1      If you are an officer and your ACC has substantial business reasons for believing that the agreed terms of your career break may not be achievable, you can be asked to attend a review and return to work with a month's notice. In the unlikely case of this arising you can appeal before a final decision is reached.

## **2.9      Returning to work**

- 2.9.1      Three months before you are due to return to work, we will contact you to start making the necessary arrangements. If you do not hear from us within 10 weeks of your return date, you should contact your manager or People Direct.

- 2.9.2      Depending on how long you have been away; what you were doing during this time and what experiences you are bringing back, we will do the following:

- update your personal information;
- reinstate pay and benefits;
- carry out appropriate vetting;
- identify a suitable position;
- agree working patterns;
- reissue uniform and/or equipment etc.;
- identify any refresher training that you need to do; and
- arrange any duty based fitness assessments such as firearms.

## **2.10     Pension arrangements**

- 2.10.1     **Officers** – do not build up pensionable service during the period of a career break. Pensionable years cannot be bought back on return; you do have the option of working longer to make up the service however.
- 2.10.2     **Authority/Police Staff** – can purchase the amount of lost pension to a maximum of 36 months but must notify the pension fund and make arrangements for this to be done within 30 days beginning on the day you return to work.



### **3 Manager**

#### **3.1 What you need to do:**

- consider all requests and appeals fairly and objectively, balancing the needs of the team member and the business;
- make sure requests are dealt with quickly and that team members are kept informed;
- consider other solutions and promote cooperation and compromise so that both individual and business needs are met where possible;
- complete the paperwork at each stage of the process and fully evidence any decision or recommendation;
- review breaks as necessary.

#### **3.2 Receiving a request for a career break**

- 3.2.1 If you get asked to comment on a career break application or receive a request directly, you should acknowledge receipt, review its contents and arrange a meeting to discuss it as necessary with the applicant.
- 3.2.2 You will not always need to have a discussion, for example where a request follows a period of maternity leave or is an extension of a previously agreed break. But in the majority of first time applications, you will. This makes sure the applicant understands how their request will affect their pay, terms and conditions. It also gives you the chance to talk about the practical implications and any impact on business.
- 3.2.3 You should agree a suitable time and place for the meeting with the applicant to:
- allow them to explain what they need and why they need it;
  - check that there is not an underlying issue that could be better supported in a different way;
  - talk about any issues there may be, explore options, compromises and/or adjustments.
- 3.2.4 You must consider the request carefully, looking at the benefits for the applicant and the business. You need to weigh these against any harmful business impacts and decide whether to support the request.
- 3.2.5 It is expected that any support you give to a career break should not impact our operational ability but your considerations should go beyond merely reacting to resourcing issues. Career breaks can offer wider opportunities to focus on:

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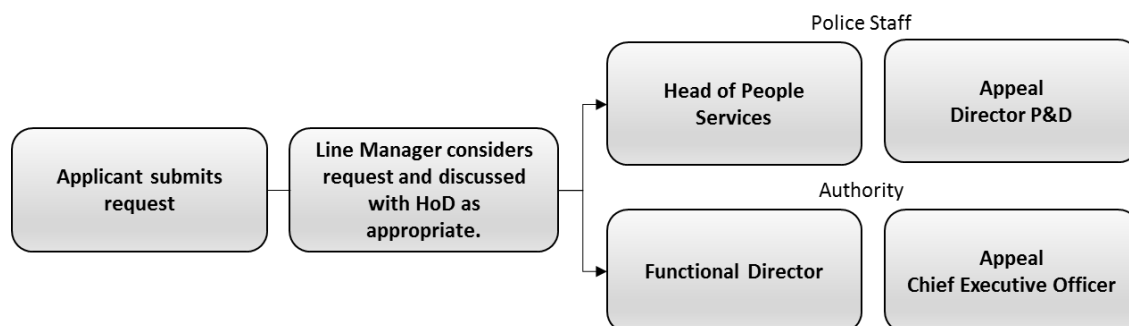
- reducing salary costs or advancing progress toward other business objectives, KPI or targets;
- addressing skills gaps and areas of succession risk;
- promoting strategies for talent management and people development;
- targeting specific and identified inefficiencies;
- improving work–life balance.

3.2.6 After thinking about the advantages, costs and effects of granting the request you should discuss these with your departmental head if appropriate.

3.2.7 The level of support should be recorded, and either

- forwarded in line with the instructions on the application form (Staff only) with the applicant being told what recommendation you have made; or
- returned to the Head of Strategic Workforce planning. (Officers)

3.2.8 Staff forms should be forwarded as follows:



### 3.3 Approved applications

3.3.1 Shared Services will issue successful applicants a letter confirming the decision and tell relevant departments about the career break so that payroll, resource management and pension adjustments can be made.

### 3.4 Appeals

3.4.1 Appeals can be raised where:

- a first or subsequent application is refused;
- an officer is required to return to duty; or

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- when an application for extension is refused.

3.4.2 These should be submitted within 28 days of the applicant receiving our written response.

3.4.3 The appeal and any additional information provided should be reviewed and a decision given in writing within three weeks of the date received.

### **3.5 Withdrawing an application**

3.5.1 Team members can withdraw a request for a career break at any point before their application has been approved by simply informing the receiving manager and People Direct.

3.5.2 If, after an application has been approved, they want to withdraw their request before the break starts they can do this by informing the receiving manager and People Direct in writing.

3.5.3 There may be resource implications linked to this scenario, such as recruitment, promotion, reallocation of duties and/or budget. These should be discussed with Finance and People and Development (P&D) so that the implications can be considered.

### **3.6 While on career break**

3.6.1 Before going on career break a suitable means of contact will need to be established and agreed, including the level and frequency of information sharing. As a minimum this will include:

- Communication of any changes of circumstance - team members must tell us of any circumstances which may affect the objectives or timescales of the career break.
- Organisational change - where there is any structural change or uncertainty which directly affect the individual, they will be kept updated and invited to attend relevant meetings if reasonable and practical to do so.

3.6.2 It may also include:

- court attendance or other operational obligations that remain outstanding;
- opportunities for promotion or development;

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- changes to terms, conditions or benefits;
- in the case of officers, any review that may need to be conducted by the ACC.

### **3.7 Returning to work**

- 3.7.1 At least three months before team members are due to return to work, contact will be made with them by P&D to start making the necessary arrangements for their return. This will include, for example:
- Updating personal information.
  - Reinstating pay and benefits.
  - Carrying out appropriate vetting.
  - Identifying a suitable position.
  - Agreeing working patterns.
  - Reissuing uniform and equipment including access, warrant or identification cards.
  - Activation of IT systems and software.
  - Arranging any refresher training and or any duty based fitness assessments such as firearms.
- 3.7.2 Officers on a flexible working agreement prior to their career break should be allowed, subject to their being a suitable vacancy, to return on the same hours and pattern. Where this is not possible or practical the pattern of the hours may be reviewed in consultation with the officer. If a new Flexible Working Application needs to be submitted this should be done and agreed so that the officer can return within three months of them telling us that they intend to start back at work.
- 3.7.3 Staff on a flexible working agreement at the start of their career break will retain this on their return unless a new pattern has been consulted and agreed with them as part of an Organisational restructure. They may however choose to apply for another flexible working pattern as part of their return, which should be considered in the normal way.

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## **4 Resources**

### **Forms**

- Application for Career Break Form (021-005)
- Application for Career Break Extension Form (021-019)
- Career Break Review Form (021-021)

### **Letter**

- Career break – approved
- Career break agreement
- Career break – declined
- Career break appeal outcome – unsuccessful
- Career break return
- Career break review request
- Career break review outcome – continues
- Career break review outcome - recalled
- Career break extension request – approved
- Career break extension request – declined

### **Reference Documents**

- Beginning a Career Break Checklist
- Returning from a Career Break Checklist
- Frequently Asked Questions – Careers Breaks

### **Related Procedures**

- Business Interests Secondary Employment
- Death in Service
- Flexible Working
- Postings and Transfer (Police Officers)
- Special Leave
- Transitioning at Work
- Volunteer and Reserve Forces

### **Useful Links**

- Find UK legislation here (Regulation 25, Annex 20 of the Police Service of Scotland Regulations and Determination 2013)

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## Appendix A

### Beginning a Career Break Checklist

To Do	Who is Responsible	Date Completed
Secondary employment application	Applicant	
Federation/Union memberships	Applicant	
Leave, TOIL, flexi, RRRD	Manager/RDU	
Uniform	Manager	
Permits, access fobs	Manager	
Warrant cards	Manager	
Airwave	Manager	
Mobile data terminal	Manager	
Court	Manager	
IT systems	Shared Services	
HR systems – Scope updates	Shared Services	
Pension scheme	Shared Services	
Payroll	Shared Services	
Issue career break agreement	Shared Services	
Shoulder numbers	Business Support Units	

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## Appendix B

### Returning from a Carer Break Checklist

To Do	Who is Responsible	Date Completed
Acknowledgement letter	People Services	
Federation/Union memberships	Staff/Officer	
Uniform	Line Manager/Staff/Officer	
Permits, access fobs	Line Manager	
Airwave	Line Manager	
Mobile data terminal	Line Manager	
Posting	People Services/Resource Planning and Coordination	
IT systems	Shared Services	
HR systems – Scope updates	Shared Services	
Pension scheme	Shared Services	
Shoulder numbers	Business Support Units	

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## Appendix C

### Frequently Asked Questions – Careers Breaks

#### **What are my employment/service rights during a career break?**

Before your Career Break begins you will be given information about your individual terms and conditions of employment/service during the period of the break. Depending whether you are an officer or, authority/staff member, you will:

- not be required to resign from your appointment and will retain your current officer rank or authority/staff grade.
- retain your protection regarding transfers under the Police and Fire Reform (Scotland) Act 2012.
- remain subject to SPA/PSoS Police Scotland policies, procedures, terms and conditions as appropriate.
- remain an officer of Police Scotland for the purpose of the Regulations and the Scottish Ministers determinations thereunder other than, subject to (11), the regulations and determinations of the Scottish Ministers under Part 4 (Pay), Part 5 (Leave) and Part 6 (Allowances and Expenses).

If you are an officer and in receipt of a housing or transitional rent allowance, this will not be paid during the career break. (Payment will resume after you return to work at the same rate as prior to the career break, provided no personal circumstances have changed).

#### **What happens with my annual leave, TOIL and banked rest days?**

All outstanding annual leave accrued up the start of your break, TOIL or banked days should be taken prior to the career break starting wherever practical. Annual leave and public holidays will not accrue during a career break.

#### **What do I do with my uniform and equipment?**

This will depend entirely on the length of your break. Identification/warrant cards/authorisation cards, travel passes, uniforms, keys and other items of equipment must be retained in a secure place. This could be at home if your break is relatively short, within your locker facilities at work or returned to stores or the relevant departments for retention.

#### **What effect does taking a career break have on my National Insurance contributions?**



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National Insurance questions and answers can be found at <https://www.gov.uk/voluntary-national-insurance-contributions>

### **Do I still have to inform you if I am the subject of any criminal investigation by the police or any other law enforcement agency while on career break?**

Yes, the same rules apply as if you were at work. You must advise the police or law enforcement agency that you are employed by SPA/PSoS Police Scotland and you must tell us if you are charged, reported or convicted of a criminal offence.

### **What can I do to finance my break?**

Generally we will not support a request for a career break if you plan to seek other employment unless the employment is for the purposes of financing the break. Taking short term or casual work to finance travel around the world for example is likely to be acceptable subject to application through the Business Interests and secondary employment procedure.

The Police Service of Scotland Regulations and Determinations 2013 specify that for officers, a constable must not undertake full-time education or activities for which they are paid or reimbursed expenses or which involve the sale of goods or services, by way of business, except with the prior agreement of the chief constable.

We do however recognise that for many people taking on a caring role, it can be quite challenging striking the right balance between caring responsibilities and making ends meet financially. If this reflects your circumstances, contact People Direct about your application and we will advise you how to proceed.

### **What happens if I fall pregnant while on career break?**

**Officers** - if you become pregnant during the course of your career break, you must contact People Direct as soon as reasonably practicable and tell us:

- that you are pregnant;
- the expected date of birth of the child; and
- whether you want to exercise your entitlement to suspend your career break so that Regulation 22 and 25 (7) of the Regulations and Scottish Minister's determination there under apply.

**Staff** - If you become pregnant during the course of your career break, you must inform your nominated point of contact, or People Direct, as soon as reasonably practicable. You will not qualify for Occupational Maternity Pay or leave and cannot suspend your career break for this reason. You may however be eligible for Statutory Maternity Pay or Maternity Allowance.

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### **Can I resign while on career break?**

Yes, you can resign by providing us with notice in writing as normal.

### **Can I apply for another post while on a career break?**

Yes, you can apply for other posts while on a break but if successful you would need to accept the offer and take up the duties when required rather than waiting until the end of your break. This applies unless you are required to take part in a restricted (ring fenced) selection process as part of an organisational change procedure.

### **Can I ask to extend my career break?**

Yes, you can make a request to extend your career break so long as the total period of your absence, including any previous career break, does not exceed five years. In exceptional circumstances an extension beyond five years may be granted. Use form 021-019 to do this and contact People Direct for instructions on where to send this.

### **What are the vetting requirements at the end of a career break?**

If your break was less than one year in length then you will not need re-vetting.

If your break was longer than a year, we will conduct normal vetting for the position you hold. This will not stop your return to work but we may have to put measures in place to manage any risk posed while we wait on your clearance. The main delays are usually caused by not having been resident in the UK and having to wait on an Overseas Criminal Record Check/Clearance Certificate, Credit Reference Check etc. from the jurisdictions in which you may have been resident.

### **What allowances can I claim if I have to attend court?**

You are not entitled to claim any element of pay during a career break. You may be able to claim some costs associated with travel, parking, food or drink directly from the court.

### **How does a career break affect my death in service benefits?**

This can vary depending on individual pension scheme entitlements and should be checked directly with your pension scheme provider. Otherwise, a death in service will be treated in the same way as if you were at work.

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## Appendix D

### Process Chart – Careers Breaks

