GIG CYMRU NHS WALES | Iechyd Cyhoeddus Cymru Public Health Wales	**Reference Number:** xxxx **Version Number:** v11 **Date of next review:** Extant

ALL WALES EMPLOYMENT BREAK POLICY

Policy Statement

This policy recognises that employees may wish to take a break from their substantive employment for specific reasons and provides a means of facilitating this. This break may be longer than that provided by other flexible working policies. All applications will be considered subject to the needs of the Service, and as a consequence, approval cannot be guaranteed

Supporting Procedures and Written Control Documents

Other related documents are:

Flexible Working Policy
Annual Leave Policy

Equality and Health Impact Assessment	See accompanying EQIA
Approved by	People and Organisational Development Committee
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Accountable Executive Director/Director	Neil Lewis, Director of People and Organisational Development
Author	Welsh Partnership Forum

Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date by contacting Corporate Governance.

DRAFT

Summary of reviews/amendments				
Version number	**Date of Review**	**Date of Approval**	**Date published**	**Summary of Amendments**
v11	1 March 2017			Amendments agreed by Welsh Partnership Forum
	December 2025			Amendments agreed by Welsh Partnership Forum



All Wales

Employment Break Scheme

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All Wales Employment Break Scheme

Approved by: Welsh Partnership Forum

Issue Date: December 2025

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01 Policy Statement

1. The Core Principles of NHS Wales:

- **We put patients and users of our services first:** We work with the public and patients/service users through co-production, doing only what is needed, no more, no less and trying to avoid harm. We are honest, open, empathetic and compassionate. We ensure quality and safety above all else by providing the best care at all times.
- **We seek to improve our care:** We care for those with the greatest health need first, making the most effective use of all skills and resources and constantly seeking to fit the care and services we provide to users' needs. We integrate improvement into everyday working, by being open to change in all that we do, which also reduces harm and waste.
- **We focus on wellbeing and prevention:** We strive to improve health and remove inequities by working together with the people of Wales so as to ensure their wellbeing now and in future years and generations.
- **We reflect on our experiences and learn:** We invest in our learning and development. We make decisions that benefit patients and users of our services by appropriate use of the tools, systems and environments which enable us to work competently, safely and effectively. We actively innovate, adapt and reduce inappropriate variation whilst being mindful of the appropriate evidence base to guide us.
- **We work in partnership and as a team:** We work with individuals including patients, colleagues, and other organisations; taking pride in all that we do, valuing and respecting each other, being honest and open and listening to the contribution of others. We aim to resolve disagreements effectively and promptly and we have a zero tolerance of bullying or victimization of any patient, service user or member of employees.
- **We value all who work for the NHS:** We support all our colleagues in doing the jobs they have agreed to do. We will regularly ask about what they need to do their work better and seek to provide the facilities they need to excel in the care they give. We will listen to our colleagues and act on their feedback and concerns.

They have been developed to help and support employees working in NHS Wales.

NHS Wales is about people, working with people, to care for people. These Core Principles describe how we can work together to make sure that what we do and how we do it is underpinned by a strong common sense of purpose which we all share and understand.

The NHS is continually under pressure to deliver more services, with better outcomes and maintain and increase quality against the backdrop of significant financial challenge, high levels of public expectation and with a population which is getting older and with increased levels of chronic conditions.

These principles have been developed to help address some of the pressures felt by employees in responding to these demands. They will re-balance the way we work together so we are less reliant on process and are supported to do the right thing by being guided by these principles when applying policies and procedures to the workforce.

As people working within the health service, we will all use them to support us to carry out our work with continued dedicated commitment to those using our services, during times of constant change.

The Principles are part of an ongoing commitment to strengthen the national and local values and behaviour frameworks already established across Health Boards and Trusts.

They have been developed in partnership with representatives from employers and staff side.

The Principles will be used to create a simpler and consistent approach when it comes to managing workplace employment issues.

This policy recognises that employees may wish to take a break from their substantive employment for specific reasons and provides a means of facilitating this. This break may be longer than that provided by other flexible working policies. All applications will be considered subject to the needs of the Service, and as a consequence, approval cannot be guaranteed.

2. Definition

An employment break is an opportunity to leave the work place for a specific period of unpaid leave and to return to the same or a similar position inside

at the end of that period. It should however be recognised that all NHS Wales organisations are subject to internal and external change, over which there may be little or no control. The All Wales Organisational Change Policy covers this issue. For this reason, it may not be possible to guarantee in all instances, a return to the same or a similar post.

The employee does not have to resign from their post but their contract will be suspended for the duration of the employment break.

Employment breaks are intended for childcare, elder care, care for another dependant, training, study leave or to undertake voluntary work. Other reasons will be considered, on their merits.

This policy excludes sabbatical leave for consultants.

The principles, timescales and parameters included in this policy are derived from Section 36 of the NHS Terms and Conditions of Service Handbook.

3. Benefits to the Employee and the Organisation

3.1 The Employee

- Although the period of the break should count towards continuous employment for statutory purposes, the employee's contract of employment is suspended for the duration of the break. The period of leave is unpaid. The period of absence will not be regarded as a break in service. The period of the break itself will not be reckonable in accordance with the NHS Terms and Conditions of Service.

- Other provisions dependent on length of service, e.g. contractual redundancy payments, will be suspended for the period of the break.

- Normal incremental progression will be suspended for the duration of the

employment break, but the salary on return will include any annual pay awards that have occurred during the absence.

- Healthcare professionals may be given incremental credit for service in a developing country (for doctors and dentists this will be subject to the provisions of WPM (81) 30).

- An employment break can avoid the situation of an employee having to begin their career again, when they are able to return to work.

- A break can help reduce stress in those trying to balance work and home commitments.

3.2 The Organisation

- It can provide an opportunity to retain a high level of skill and experience which might otherwise be lost to the Organisation, with the departure of an employee.

- It can provide development opportunities for other staff in the Organisation who may be able to acquire new skills and knowledge, during the absence of those on an employment break.

4. Eligibility

All permanent employees who have accrued a minimum of 12 months' service with NHS Organisation are eligible to apply for an employment break.

5. Length of Break

The minimum duration which an employment break will be approved for is 3 months. The maximum duration should be 5 years. Approved employment breaks may be taken as a single period or more than one period.

The length of an employment break must balance the needs of the individual employee with the needs of the service. Employment breaks may be extended with appropriate notice, subject to the agreement of the manager. The employee may also request to return to work earlier than the agreed date.

If any individual circumstances change and an earlier return to work is desired, this will be fully considered by the line manager, but this cannot be guaranteed.

6. Application Procedure

Applicants should apply for an employment break at least three months in advance. This may be relaxed in the case of urgent and unforeseen situations where a break is required.

The attached application (Appendix 1) for an employment break should be completed and submitted to the line manager, detailing the reason(s) for the request and outlining when they would like the break to start and end.

7. Professional Registration and Maintenance

The employee should maintain their professional registration in line with their professional regulatory body's requirements.

8. Drafting an Agreement

All breaks should be subject to a signed agreement between the employer and applicant before the break begins.
The agreement should cover the following elements:

- the length of the break (and the criteria by which the decision will be made in relation to whether an employee can return early);
- the employee will not receive any salary from the

for the duration of the employment

break;
- any outstanding entitlement for annual leave must be taken before commencement of the employment break;
- the employee will be required to return all equipment (laptop computers, mobile telephones etc.) keys, uniforms etc. These will be returned upon their return from their employment break. Any payments received for e.g. telephone rental will also be suspended for the period of the employment break;
- the effect of the break on various entitlements related to length of service;
- a guarantee that, if the applicant returns to work within one year, the same job will be available, as far as is reasonably practicable;
- if the break is longer than one year, the applicant may return to as similar a job as possible (include parameters for identifying these posts);
- return to work at the equivalent previous salary point, reflecting increases awarded during the break;
- arrangements for keeping in touch during the break, the employee will be requested to attend an annual meeting in person with their manager (unless abroad) and six monthly by phone;
- requirements on the applicant to keep up to date with their relevant professional registration needs, including attendance at specified training courses and conferences, and any assistance the employer may give in the support of this;
- notice periods for return to work;
- training arrangements for re-induction to work;
- during the employment break the employee maybe required to undertake work for the organisation. This should be agreed with their manager, prior to the commencement of the employment break. Any work undertaken will be paid at the appropriate rate for the work undertaken;
- employees that have a lease car should contact the Finance Department to discuss the implications of their employment break on the lease hire agreement. These will vary depending on the duration of the agreed employment break;
- NHS pension arrangements during the break. Further information for Scheme members in England and Wales can be obtained from the NHS Pensions website at www.nhsbsa.nhs.uk/pensions; n.b. the NHS organisation will pay the employer contributions during the first six months of the employment break.

After six months, the employee may continue to contribute to the pension scheme for a further 18 months. During this period, the employee must pay the employee and employer contributions. It is essential that contributions are paid on time and arrears are not permitted to accrue. It should be noted that if pension contributions are not made, the pension record is closed 364 days after the break commences. These provisions apply to members of both the 1995, 2008 and 2015 sections of the pension scheme. (Employees are responsible for contacting the Pensions Agency to check how the employment break will affect their pension rights);

- consideration of the inclusion of a time limited claw back clause in the agreement to recover employer pension contributions where an employee leaves within a specified period (e.g. 2 years) following their return;
- an employee commencing an employment break straight after maternity leave will if they fail to return, following the employment break, for the required period of 13 weeks, be expected to repay any occupational maternity pay received;

advice on qualifying periods for maternity/adoption provisions (sought from the Workforce & OD team); any other conditions required either by the employer or the applicant.

Please see appendix B for case studies to support the implementation of the policy and agreements.

9. Taking up Employment Elsewhere

- The employee will not normally be allowed to take up employment with another employer, except where, for example, to work overseas or undertake charitable work, which could broaden their experience, and/or for the purposes of maintaining their professional registration (on a short term basis). In such circumstances, written authorisation from the

  would be required, as part of the approval process.

- Individuals may register to work on a NHS Bank and whilst undertaking "Bank" duties will remain a "worker" and not an employee.

10. Return to Work at the End of the Employment Break

Prior to the employee's expected date of return, it is the manager's responsibility to arrange a meeting to discuss their return to work. This is particularly important when the employee's post has not been held open and there is a need to identify a suitable alternative post, into which they can return.

Arrangements for the meeting should ensure sufficient time is allowed to begin a process of discussion with the employee and to allow suitable roles to be identified.

During the pre-return to work meeting, the manager and employee should discuss the employee's departmental induction/training needs and their position in relation to their KSF outline and potential objectives, linked to the

objectives.

Return to work is subject to medical clearance depending on the nature / period of the employment break and the type of employment that the individual is returning to. Managers should seek advice from their Occupational Health team. A renewed DBS check may also be required along with appropriate departmental re-induction. Depending on the outcome of these discussions and necessary clearances the employer has the right to delay a return to work.

In such circumstances the reasons and duration of the delay must be clearly outlined, noting the basis on which a return would be approved, and a decision would need to be made in relation to whether the employee receives pay during the period. There is no automatic entitlement.

If the employee wishes to return to work on less than their contracted hours, they must complete the appropriate flexible working request application form. This request may be refused if there are business reasons for doing so.

The same arrangements as outlined above will be in place should an employee request to return early from an employment break. However, it may not be possible to accede to such a request and employees should be realistic in their expectations when requesting an early return, particularly if alternative time limited arrangements have been put in place to cover the post.

10.1 Notice Periods

The employee will be required to provide

with the following notice of their proposed return to work date:

Duration of the Employment Break	Notice Period
3 – 6 months	1 months
6 – 12 months	2 months
1 – 2 years	3 months
2 – 5 years	6 months

An employee may return from their employment break before the agreed date of return, providing there is a suitable vacancy.

11. Appeals

Employees may contact their next in line manager as a means of appeal against their application being rejected.

Employees have the right to be represented by a Trade Union representative or work colleague.

Employees should submit written notification highlighting reasons for their appeal, within 2 weeks of receiving the written decision.

A discussion meeting will take place within 2 weeks of receipt of the appeal notification.

12. Training and awareness raising

All staff will be made aware of this policy upon commencement with the NHS Organisation. Copies can also be viewed on
Intranet or obtained via the Workforce and OD department. Training will be provided as appropriate depending on the complexity of the policy.

13. Equality

recognises the diversity of the local community and those that it employs; and the requirements placed on the organisations by the Equality Act 2010 and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.
Our aim is therefore to provide a safe environment free from discrimination and a place where all individuals are treated fairly, with dignity and appropriately to their need.

recognises that equality impacts on all aspects of its day to day operations.

This policy was assessed using the NHS Centre for Equality and Human Rights Equality Impact Assessment Tool and the results published on the website and monitored centrally.

This policy was originally impact assessed on 22 March 2013, and a decision was taken by the review group not to undertake a further impact assessment on an All Wales basis but to recommend that individual organisations monitor thier application against the protected characteristics and report to their Workforce and OD committees.

14. General Data Protection Regulations 2018

All documents generated under this policy that relate to identifiable individuals are to be treated as confidential documents, in accordance with the

Data Protection Policy.

15. Freedom of Information Act 2000

All NHS organisation's records and documents, apart from certain limited exemptions, can be subject to disclosure under the Freedom of Information Act 2000. Records and documents exempt from disclosure would, under most circumstances, include those relating to identifiable individuals arising in a personnel or staff development context.

Details of the application of the Freedom of Information Act within the NHS organisation may be found in the NHS organisation's publications scheme.

16. Records Management

All documents generated under this policy are official records of the NHS organisation and will be managed and stored and utilised in accordance with the

Records Management Policy.

17. Review

This policy will be reviewed in two years time. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation or guidance.

18. Discipline

Breaches of this policy will be investigated and may result in the matter being treated as a disciplinary offence under the

disciplinary procedure.

02

Appendix A: Employment Break Scheme

2 Appendix A: Employment Break Scheme

Please answer the following questions and return this application to your line manager.	
Name:	
Address (for contact during break)	
Phone no. (for contact during break)	
Email (for contact during break)	
Current Post:	
Grade:	
Department:	
Extension No:	
Line Manager:	
Start Date with NHS Organisation (12 months minimum required)	
Are you a member of the NHS Pension Scheme:	
If yes, please indicate if you wish to preserve continuity	

Why have you applied for an Employment Break Scheme?	
Childcare	
Care of elderly / dependent relatives	
Study leave / Training	
Voluntary service overseas	
Travel Other (please state below)	
Other (please state below)	

What is the proposed length of the Employment Break?

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When do you intend to start the Employment Break?

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Please outline in detail why you want to take the Employment Break Scheme, indicating any likely outcomes and benefits for the NHS Organisation?

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Please outline your employment history to date within the NHS and within the NHS Organisation (you may attach your CV if appropriate)

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What are your long-term career plans? How does this Employment Break fit in with your long term career plans?

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What training / study leave have you had during your employment during the last 3 years of your employment in the *NHS Organisation*?

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What training / development or other support would you need to maintain your skills during the Employment Break or on your return to work?

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How do you intend to maintain your professional qualification whilst on the Employment Break? (Please detail all requirements of your relevant profession and how you intend to comply with these).

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Are there any constraints on when you could undertake this work?

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Would you be able to attend work for e.g. briefings and seminars that may be relevant to maintain contact during your break?

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Is there any other information you would like to put forward in support of your application?

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Signed:	
Date:	

Approved:	Yes/No
Signed by manager:	
Date:	

03

Appendix B: Case Studies – Application of the Policy

3 Appendix B: Case Studies – Application of the Policy

Scenario 1 – A member of staff develops a chronic illness/long term condition/becomes pregnant during the employment break and wishes to return to work

In this case the Equality Act 2010 would apply and any detrimental treatment could be discriminatory. In order to avoid discrimination, the employee would need to be considered for return against a set of non discriminatory criteria/parameters (it may be useful if these were included in the original agreement) and be considered in the same way as any other employee wishing to return early from an employment break.

If there is work available the employer may then have to consider reasonable adjustments but this should be carried out after the non discriminatory decision has been made.

Scenario 2 – A member of staff wishes to retire and takes a 6 month employment break, to take advantage of the fact that the employer will pay the pension contributions, before retiring.

Employers may want to consider including a claw back clause in the original agreement, if is possible/likely that an employee will give notice to retire at the end (or within 6 months of returning from an employment break).

Scenario 2 – A member of staff wishes to retire and takes a 6 month employment break, to take advantage of the fact that the employer will pay the pension contributions, before retiring.

Employers may want to consider including a claw back clause in the original agreement, if is possible/likely that an employee will give notice to retire at the end (or within 6 months of returning from an employment break).

Scenario 3 – A member of staff refuses the offer of an alternative role on return to work

As long as the original agreement includes reference to this issue, then the employee is agreeing to a variation in contract. If an employee does not accept an alternative post as outlined in the agreement on return to work, then it is their choice and non acceptance can be considered in effect a resignation.

However, if alternative posts were not properly defined in advance and they were offered a significantly different post which was not equivalent then there could be an argument by the employee of constructive dismissal / breach of contract.

Designed by the NWSSP Communications Team