



EMPLOYMENT BREAK POLICY

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| POLICY NO & CATEGORY | HR 13 | Organisational & Workforce Development |
| VERSION NO & DATE | 6 | August 2024 |
| RATIFYING COMMITTEE | Transforming Our Culture and Staff Experience Committee | |
| DATE RATIFIED | November 2024 | |
| NEXT REVIEW DATE | November 2027 | |
| EXECUTIVE DIRECTOR | Executive Director of Strategy and Partnerships | |
| POLICY LEAD | People Officer | |
| POLICY AUTHOR (if different from above) | As above | |
| Exec Sign off Signature (electronic) |  | |
| Disclosable under Freedom of Information Act 2000 | Yes | |

POLICY CONTEXT:

An “employment break” as described in this policy, is intended to cover time away from work to look after children, (for a period longer than the Parental Leave Policy allows), family commitments, to undergo an extended period of training or to undertake unpaid, charity/voluntary work, with the terms and conditions agreed between the employee and employer.

This policy covers all employees, both on Agenda for Change and Medical Contracts.

POLICY REQUIREMENT (see Section 2)

Any employee who has completed 12 months continuous service with the Trust is eligible to apply for an employment break. An employee will not usually be allowed to take more than a total of **12 months** employment break whilst in the employment of the Trust unless in exceptional circumstances and approved by the Executive Director for People and Strategy.

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1. Introduction

1.1. Rationale

The Birmingham and Solihull Mental Health NHS Trust Employment Break Policy complements the rights of Trust staff as provided by *Section 34* of the *Agenda for Change: Terms and Conditions of Service Handbook*. The policy is part of the commitment to assist employees balance their working lives in the Trust with their other commitments, responsibilities and life goals.

The policy clarifies the procedure leading the employment break as well as roles and responsibilities of the staff members undertaking an employment break, their managers and HR department.

Employment breaks are breaks from employment with Birmingham and Solihull Mental Health Trust without pay.

1.2. Scope

An employment break can be requested for various reasons, including but not limited to the following:

- To bring up/care for a child or children for a period longer than the Parental Leave Policy allows,
- To care for a relative or to care for someone with whom the employee has a close relationship with
- To undertake full-time education
- To undertake training
- To undertake research
- To undertake a National Office within one's professional organisation
- To undertake study leave, not directly related to professional development for current role or as outlined in the Trust's Study Leave Policy.
- To undertake charity/voluntary work
- To undertake a domestic commitment that necessitates a longer-term absence
- Any other personal reasons

The Trust is dedicated to ensuring our values of being compassionate, committed and inclusive are upheld within this policy, and therefore, **any other reason an employee may request for an Employment Break must equally be considered**. All applications should be put in writing using the application form in appendix 2.

1.3. Principles

The Trust recognises the need to recruit and retain staff with the right skills, values, knowledge, and experience to maintain and maximise the best quality of patient care. This policy is to be implemented within the spirit of the Trust's Equal Opportunities Policy and care will be taken not to discriminate against any employees covered by the protected characteristics defined in the Equality Act 2010.

2. Policy Criteria

To qualify for an employment break you must meet the following criteria:

- Must be a substantive employee.
- Have accrued a minimum of 12 months continuous service within the NHS.
- Have demonstrated a commitment to continuing their employment with the Trust
- Have the approval of an appropriate authorising manager

An employee will not normally be allowed to take more than 12 months as an employment break whilst in the employment of the Trust without the written approval of an Executive Director

3. Procedure

3.1. Length of Break

- The maximum length of a break is 12 months and the minimum length is 3 months, unless with the express written permission from an Executive Director.
- Any requests for a break extending beyond 12 months must be made to the Executive Director of People and Strategy, outlining the reasons for the request, the proposed return date and methods to maintain skills required to continue in their role on return to work. This will be considered by the Executive Director in connection with line management and HR support to see if the position and arrangements made to cover it can be sustainable. All requests approved will be subject to a review period which the employee must make arrangements to attend (this can be virtually if overseas) and the maximum amount of time a career break can run is 5 years (based on highly exceptional reasons).
- An employment break may either be taken as a single period or as more than one period.
- The total period of Employment Break must be taken within 12 months of the commencement of the Break, unless they have written dispensation from an Executive Director

- Once an employment break is approved by the line manager, the break may be extended if the extension will not lengthen the break beyond the allowed 12 months, unless subject to consideration by an Executive Director.
- An employee wishing to extend their break must make a request to do so at least 2 months prior to their previously agreed date of return.
- An employee may also return from an employment break earlier by writing to their manager with the request at least 2 months prior to the original date of return.

Should an employee want to embark on an employment break longer than 12 months, they would not be guaranteed a return to their substantive role but may be able to return to a vacancy on the same terms and conditions prior to the break. If no suitable vacancies are available they will be treated the same as an 'at risk' employee.

Once an employment break is approved by the line manager, the break may be extended by mutual agreement if the extension will not lengthen the break beyond the allowed 12 months. Requests for an extension must be made in writing. For requests to extend beyond an initial 12-month period, written requests must be addressed to the appropriate Executive Director, copying in the line manager.

There is no automatic right to an employment break or an extension to an employment break.

Failure to return from an employment break as previously agreed will be treated as a resignation from the organisation.

3.2. Management Considerations

Before approving a request for a break, the manager must ensure that:

- The employee is eligible to have a break in line with the policy criteria.
- Give due consideration to the impact the employee's absence would have on the provision of the service.
- For those seeking developmental opportunities consider if a secondment would be more appropriate.
- The length of any break should balance the needs of the applicant with the needs of the service.
- If the service is unable to grant an employment break, to consider alternatives under the flexible working policy to support the employee going forward.

3.3. Application

- An application for an employment break should be made as early as possible and at least 2 months before the envisioned start date, to the line manager and for Medics to the Responsible Officer – **Application Form (Appendix 2)**. Requests made less than 2 months before, will be considered only in exceptional circumstances.

- The manager should contact the HR department prior to the implementation of this process to notify of the request.
- In order to enable the Trust to have a clear process for managing and monitoring the applications for employment breaks, an electronic copy of all requests needs to be forwarded to the People Team, and a copy kept on employees' personnel file.
- Once an agreement has been made, this must be signed by the line manager and employee to formalise the agreement. This must first be checked and approved by the relevant HR representative.
- Managers will then need to process the Employment Break agreement on ESR. For managers, please view the below:
 - "If you log into ESR using your smartcard, when you have logged into your dashboard select ESR navigator from the left-hand side, then select manager self-service, under My team Assignment information click on Assignment (Approval Required)
 - Click into the action button next to the employee name, then select the effective date of the change,
 - Change the status to from active assignment to career break and the change reason.
- Should managers require any further assistance, they are advised to contact the ESR team at bsmhft.corporatesystems@nhs.net.

3.4. Terms and conditions of employment during break

- Applicants do **not** have to resign to take an employment break, however there will be a change to the contract of employment during the break.
- People on employment breaks will not normally be allowed to take up paid employment with another employer, except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority from the employer would be necessary.
- For employees with Trust Bank Worker agreements, they should not enter into paid bank shifts without prior agreement from the appropriate Executive Director. Bank restrictions will be in effect at the point where an employment break starts and will be limited accordingly, with any agreements made in writing on a case-by-case basis.
- During the break, the employee will **not** be entitled to sick pay or any annual leave entitlements i.e. annual leave will not be paid or accrued.
- While on the employment break, the employee's salary progression and / or increases will be stopped therefore, they will return to work following the break, at the same pay point, reflecting any national increases awarded during the break, which had been reached at the time the employment break began, subject to restructuring or substantial organisational change. If applicable, incremental dates will be deferred accordingly, to ensure that the employee's terms remain unchanged.

- Whilst employees on an employment break will not be paid, they will remain employed, and this will count towards continuous NHS service for statutory purposes.
- Other provisions depending upon length of service, i.e. contractual redundancy payments, leave entitlements etc, will be suspended for the period of the break.
- The notice period required before the return to work is two months if the break is less than a year and six months if the break is more than a year.
- In the event an employee returns to work, they will only retain their entitlements accrued before the break began.
- Employees may make pension contributions whilst they are on a break for the duration of the break however, the Trust will only be making the employer part of the pension contributions for the first 6 months of the employment break.
- Should the staff member decide to make pension contributions, the payments need to be made continuously. The arrears **cannot** be accumulated and then paid following the return from the employment break.
- For further information regarding the pension contributions arrangements during an employment break, please follow: <http://www.nhsbsa.nhs.uk/pensions> and <https://www.nhsbsa.nhs.uk/sites/default/files/2020-01/Authorised%20leave%20career%20breaks%20member%20factsheet-20200128-%28V5%29%20%20%20%20%20%20%20%20%20.pdf>
- During the break National Insurance contributions will not be paid by the Trust. Further information can be obtained by contacting your local Tax Office or <https://www.gov.uk/topic/personal-tax/national-insurance>
- Employee may not apply for another Employment Break until 3 years pass from the end of their previous Employment Break.

3.5. Return to Work

- Return to the same post is not guaranteed for any employment breaks that extend beyond 12 months. In these circumstances, the Trust will try as far as is reasonably practicable, to get the employee into the same job, but this is not guaranteed.
- If an employment break is less than 12 months, employees will have the opportunity to return to the same role or to a role as similar to the job as possible, as far as reasonably practicable in the Trust.
- Return-to-work must be confirmed to manager at least 2 months in advance.
- The manager must organise a Return-to-Work meeting as soon as reasonably possible after return is confirmed, to discuss with the staff member any work arrangements/procedures for re-entry and training.
- Managers will agree on how an employee will be re-inducted on their return.
- In some circumstances, guidance from occupational health services may need to be sought to ensure the necessary clearances are done prior to formally agreeing on an employee's return to work. Should this arise, Managers should speak to their relevant HR representatives for advice.

- A returning employee for whom a suitable post is being sought should be given the same status as the Trust internal “at risk” employees.
- A vacancy would be considered suitable for the returning employee if it was of similar pay, responsibility level, status and if the person meets the essential criteria of the post.
- Should the post be deleted during the period of the employment break the employee will be no less favourably treated than the employees that were at work at the time.
- To reach the decision on availability and suitability following an employment break the following factors must be taken into consideration:
 - If, at the time of the 2 months’ notice of return, no suitable vacancy can be identified for the returning staff member; the 12 week “at risk” process will be commenced immediately. This would provide a maximum extension of the Employment Break by 1 month, if necessary.
 - Rejection of a job offer without valid reason will result in the employee losing their right to return to work and interpreted as the staff member resigning their post with the trust. There will be not eligibility for redundancy payment in such circumstances.

3.6. Arrangements Whilst on a Break

- Means of keeping in touch should be agreed, as practicable, between the staff member and the line manager before the break commences and could include e-mail, telephone calls or posted correspondence.
- If possible, the employee should maintain regular contact with their manager, during the break, to discuss any important news or development regarding the service.
- Employees with a clinical profession **must retain their professional or state registration** and are responsible for keeping it up to date. This is to ensure skills, knowledge and expertise for their post are maintained. Any concerns regarding Fitness to Practice should be raised immediately with the Manager, who will then seek advice from the People Team. This will be guided in line with the Fitness to Practice Policy and the Professional Registration Verification and Monitoring Policy.
- If funded CPD is required, the employee must contact their local line manager to discuss this matter, and consideration will be given as to whether this will be funded by the Trust in line with the Study leave policy.
- Medics seeking to maintain their license must continue to participate in revalidation and whole practice appraisals this must be agreed with the RO prior to taking the break.
- Dependent on the employee’s circumstances (e.g. they may be known to be abroad) they should be given an opportunity to attend any key meetings, seminars, training and away days. Arrangements for this should be made through discussion and agreement between the manager and employee.

- During absence on an employment break, the employee will be subject to all normal Trust policies and procedures, where these are applicable, and as such disciplinary action may be taken where appropriate.
- Whilst on a break the employee must keep the Trust informed of any changes of home address and other contact details.

The employee must notify their manager if the circumstances of their break change whilst they are absent. If the reason for the break changes, then the employee must discuss this with their manager. If the employee no longer fulfils eligibility requirements, they will be required to return to work under the arrangements described within this policy.

3.7. Appeal

- Applicants will be entitled to a written reason for the refusal of any application.
- Any appeals arising from the application of this procedure should be made aware through the Trust Grievance and Disputes Policy.
- All appeals must be made within 10 working days from the date of the letter confirming the refusal of the application. This should be made to the relevant Associate Director/Clinical Nurse Manager, detailing the reasons for the appeal.
- Employees will have the right to be represented by a Trade Union representative or work colleague during the appeal process.

3.8. Monitoring

- The Deputy Director of HR will monitor the effectiveness of this policy using information from the ESR Database.

4. Responsibilities

| Post(s) | Responsibilities | Ref |
|---|--|-----|
| All Staff | To familiarise themselves with the amended policy and its instructions To act with integrity in line with the terms of their employment break | |
| Service, Clinical and Corporate Directors | Ensuring that all applications for employment break are fairly and in timely manner considered as per the outlined process, Assuring that decisions regarding the applications are made with full consideration of their implications on the service: financial, staffing numbers of the service, etc. Ensuring that the appropriate information is forwarded to HR for monitoring purposes, | |

| | | |
|---------------------------|---|--|
| Policy Lead | To deliver a policy that supports the organisation in managing employment breaks throughout the Trust, in line with employment legislation. | |
| Executive Director | To ensure the policy is implemented and cascaded throughout the Trust | |
| Human Resources | To support and advise Managers accordingly | |

5. Development and Consultation process

This policy will be reviewed 3 years from the implementation date unless there are changes in relevant legislation / best practice guidance, trust wide policies and procedures that require amendments to the policy prior to that review date.

| Consultation summary | | |
|--|----------------------------|---------------------------|
| Date policy issued for consultation | August 2024 | |
| Number of versions produced for consultation | 1 | |
| Committees / meetings where policy formally discussed | Date(s) | |
| | | |
| | | |
| Where received | Summary of feedback | Actions / Response |
| | | |
| | | |

6. Reference documents

Family Friendly Policies (HR 08 – HR 16)

Fitness to Practice Policy

Employment Rights Act 1996,

Employment Relations Act 1999

Employment Act 2002

Equality Act 2010

Professional Registration Verification and Monitoring Policy

Study Leave Policy

Work and Families Act 2006

<https://www.cipd.org/uk/knowledge/guides/sabbaticals-guide/#policy>

<https://www.gov.uk/topic/personal-tax/national-insurance>

<https://www.nhsbsa.nhs.uk/sites/default/files/2020-01/Authorised%20leave%20career%20breaks%20member%20factsheet-20200128-%28V5%29%20%20%20%20%20%20%20%20%20%20.pdf>

<http://www.nhsbsa.nhs.uk/pensions>

<https://www.england.nhs.uk/long-read/national-flexible-working-people-policy-framework/#:~:text=Appendix%20%3A%20Career%20breaks,whilst%20on%20a%20career%20break>

<https://www.nhsemployers.org/publications/tchandbook>

7. Bibliography

As above

8. Glossary

Employment Break- Employment breaks are breaks from employment with Birmingham and Solihull Mental Health Trust without pay.

‘At risk’ employee – This is an employee who is at risk of redundancy from their substantive employment with Birmingham and Solihull Mental Health NHS Foundation Trust.

9. Audit and Assurance:

All staff are aware of this policy and will adhere to it when necessary in relation to employment breaks.

Managers will know and understand how to apply the policy when managing employment breaks in their area of work.

| Element to be monitored | Lead | Tool | Frequency | Reporting Arrangements |
|---|-------------------------|--|-----------|-------------------------------|
| Applications made for employment breaks | Head of Human Resources | Application Forms | 12 months | Report submitted to workforce |
| Approved applications for employment breaks | Head of Human Resources | ER Team casework database | 12 months | Report submitted to workforce |
| Financial impact of areas approving employment breaks | Head of Human Resources | ER Team and Finance Business Partner reports | 12 months | Report submitted to workforce |

10. Appendices:

- Appendix 1 – Equality Impact Assessment
- Appendix 2 – Employment Break Application Form
- Appendix 3 – Managers Authorisation

APPENDIX 1

Equality Analysis Screening Form

A word version of this document can be found on the HR support pages on Connect

<http://connect/corporate/humanresources/managementsupport/Pages/default.aspx>

| | | | |
|---|--|-----------------------|--|
| Title of Policy | Employment Break Policy | | |
| Person Completing this policy | Joshua Hulcom | Role or title | People Officer |
| Division | Strategy People and Partnerships - Corporate | Service Area | People Culture and OD Area – Human Resources |
| Date Started | 03/06/2024 | Date completed | 12/08/2024 |
| Main purpose and aims of the policy and how it fits in with the wider strategic aims and objectives of the organisation. | | | |
| <p>The Employment Break Policy aims to give employees within the trust the opportunity to embark on short-term or long-term leave from their employment, taking into consideration personal development or commitments, whilst enabling employees to keep the trust updated in the intervening period, and facilitating the return to work. This policy gives guidance to managers and employees on the procedures involved and is intended to showcase the Trust’s values and commitment to development.</p> <p>The Employment Break Policy reviewed to be in line with any changes in legislation and Trust strategy.</p> | | | |
| Who will benefit from the policy? | | | |
| All staff employed by Birmingham and Solihull Mental Health NHS Foundation Trust. | | | |
| Does the policy affect service users, employees or the wider community? | | | |
| <i>Add any data you have on the groups affected split by Protected characteristic in the boxes below. Highlight how you have used the data to reduce any noted inequalities going forward</i> | | | |

| The policy affects and is applicable to employees. | | | | |
|--|--------------------------|------------------------|---|--|
| Does the policy significantly affect service delivery, business processes or policy? <i>How will these reduce inequality?</i> | | | | |
| It does not significantly affect any of the above. However, this would usually be under the condition that an employee's role whilst they are on an employment break has been filled i.e. through a fixed term contract to ensure any gaps are filled. This is dependant on the length of the employment break, to ensure service delivery is not negatively impacted. | | | | |
| Does it involve a significant commitment of resources? <i>How will these reduce inequality?</i> | | | | |
| No | | | | |
| Does the policy relate to an area where there are known inequalities? (e.g. seclusion, accessibility, recruitment & progression) | | | | |
| No | | | | |
| Impacts on different Personal Protected Characteristics – Helpful Questions: | | | | |
| <i>Does this policy promote equality of opportunity?</i> <i>Eliminate discrimination?</i> <i>Eliminate harassment?</i> <i>Eliminate victimisation?</i> | | | <i>Promote good community relations?</i> <i>Promote positive attitudes towards disabled people?</i> <i>Consider more favourable treatment of disabled people?</i> <i>Promote involvement and consultation?</i> <i>Protect and promote human rights?</i> | |
| Please click in the relevant impact box and include relevant data | | | | |
| Personal Protected Characteristic | No/Minimum Impact | Negative Impact | Positive Impact | Please list details or evidence of why there might be a positive, negative or no impact on protected characteristics. |
| Age | | | X | |

| | | | | |
|--|--|--|---|--|
| | | | | <p>Employment breaks will support our workforce especially supporting those in caring positions for families and friends irrespective of age. The employees are reasonably evenly spread between 26-40 ages range 10.56% to 12.48% and ages 41 to 60 groups ranging from 13.13% to 14.38%. Therefore, there is a reasonable balanced profile with no one age group negatively impacted. However, the Trust recognises that pausing work temporarily may impact confidence for workers in their relevant roles. Nonetheless, all employees will be supported in this policy. The opportunity to be re-inducted and receive training will ensure staff are confident and competent in completing their duties.</p> |
| <p>Including children and people over 65 Is it easy for someone of any age to find out about your service or access your policy? Are you able to justify the legal or lawful reasons when your service excludes certain age groups</p> | | | | |
| Disability | | | x | <p>Analysis of employees data shows that there is a small proportion of employees in the Trust who have indicated that they have a disability 5.38% there is however a higher percentage who have chosen not to specify – 10.23%. In 2024, 76.9% expressed that their employer has made adequate adjustment(s) to enable them to carry out their work. Therefore, if a disability has been disclosed, reasonable adjustments are considered with guidance from Occupational Health, to ensure staff with particular needs are supported.</p> |

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| <p>Including those with physical or sensory impairments, those with learning disabilities and those with mental health issues</p> <p>Do you currently monitor who has a disability so that you know how well your service is being used by people with a disability?</p> <p>Are you making reasonable adjustment to meet the needs of the staff, service users, carers and families?</p> | | | | |
| Gender | | | X | <p>It is recognised that the Trust profile has a higher percentage of female employees at 73.06% compared to 26.94% male. Due to this, more female employees may undertake an employment break. However, equal opportunity and rights to access this policy and request for employment breaks. The same is applicable for flexible working arrangements.</p> |
| <p>This can include male and female or someone who has completed the gender reassignment process from one sex to another</p> <p>Do you have flexible working arrangements for either sex?</p> <p>Is it easier for either men or women to access your policy?</p> | | | | |
| Marriage or Civil Partnerships | X | | | <p>Employment breaks should have no impact based on marriage and civil. The aim of the guidance to provide managers and employees understand the process for agreeing and establishing breaks in employment, and employees understand how this process is facilitated.</p> <p>The People Team will monitor any cases raised under the grievance policy to identify if any discrimination is occurring when applying for an employment break and take action to rectify if any issues are identified.</p> |

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| <p>People who are in a Civil Partnerships must be treated equally to married couples on a wide range of legal matters Are the documents and information provided for your service reflecting the appropriate terminology for marriage and civil partnerships?</p> | | | | |
| Pregnancy or Maternity | | | X | <p>Women would be encouraged to use their Maternity rights with respect to maternity leave and pay under the Family Leave Policy to ensure they are not negatively impacted financially.</p> <p>The aim of the guidance is to provide managers and employees to understand the process for agreeing and establishing employment breaks, and employees understand the process.</p> |
| <p>This includes women having a baby and women just after they have had a baby Does your service accommodate the needs of expectant and post natal mothers both as staff and service users? Can your service treat staff and patients with dignity and respect relation in to pregnancy and maternity?</p> | | | | |
| Race or Ethnicity | X | | | <p>In 2024, there is 41.5% Black and Minority Ethnic representation in the workforce. Due to the nature of the break, culturally appropriate adjustments and support can be discussed with line manager to assist with successful return to work.</p> <p>The People Team will monitor any cases raised under the grievance policy to identify if any discrimination is occurring when applying for an employment break and take action to rectify if any issues are identified.</p> |
| <p>Including Gypsy or Roma people, Irish people, those of mixed heritage, asylum seekers and refugees What training does staff have to respond to the cultural needs of different ethnic groups? What arrangements are in place to communicate with people who do not have English as a first language?</p> | | | | |

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| Religion or Belief | X | | <p>Due to the nature of the break, culturally/religious appropriate adjustments and support can be discussed with line manager to assist with successful return to work.</p> <p>Trust profile 40.46% Christian; 19.18% do not wish to disclose; 10.97% Atheism; 8.64% are unspecified and 7.76% Islam and 'Other'; 2.91% Sikhism;1.70% Hinduism. Anyone can make a make request to work from home via the Trust's Flexible Working Policy. The People Team will monitor any cases raised under the grievance policy to identify if any discrimination is occurring when applying for an employment breaks and take action to rectify if any issues are identified.</p> |
| <p>Including humanists and non-believers</p> <p>Is there easy access to a prayer or quiet room to your service delivery area?</p> <p>When organising events – Do you take necessary steps to make sure that spiritual requirements are met?</p> | | | |
| Sexual Orientation | X | | <p>Employment breaks will be available to all employees regardless of the sexual orientation they identify with.</p> <p>Trust profile 71.60% Heterosexual/straight; 16.11% did not state but declined to respond; 8.67% unspecified; 2.02% Gay or Lesbian and 1.42% Bisexual. The aim of the policy is to provide another option to employees/workers in conjunction with the Trust's Flexible Working Policy.</p> <p>The People Team will monitor any cases raised under the grievance policy to identify if any discrimination is occurring when applying for</p> |

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| | | | | employment breaks and take action to rectify if any issues are identified. |
| Including gay men, lesbians and bisexual people Does your service use visual images that could be people from any background or are the images mainly heterosexual couples? Does staff in your workplace feel comfortable about being 'out' or would office culture make them feel this might not be a good idea? | | | | |
| Transgender or Gender Reassignment | X | | | Employment breaks and support required within the workplace, in relation to gender reassignment is referenced in the Trans Equality Policy. The aim of the guidance is to provide managers and employees to understand the process for agreeing and establishing breaks, and employees understand the process of applying for an employment break. |
| This will include people who are in the process of or in a care pathway changing from one gender to another Have you considered the possible needs of transgender staff and service users in the development of your policy or service? | | | | |
| Human Rights | X | | | Employment breaks will be monitored to make sure we are honouring individuals rights and in line with UK employment law. |
| Affecting someone's right to Life, Dignity and Respect? Caring for other people or protecting them from danger? The detention of an individual inadvertently or placing someone in a humiliating situation or position? | | | | |
| If a negative or disproportionate impact has been identified in any of the key areas would this difference be illegal / unlawful? I.e. Would it be discriminatory under anti-discrimination legislation. (The Equality Act 2010, Human Rights Act 1998) | | | | |

| | Yes | No | | |
|--|--------------------|----------------------|-------------------|------------------|
| What do you consider the level of negative impact to be? | High Impact | Medium Impact | Low Impact | No Impact |
| | | | X | |
| <p>If the impact could be discriminatory in law, please contact the Equality and Diversity Lead immediately to determine the next course of action. If the negative impact is high a Full Equality Analysis will be required.</p> <p>If you are unsure how to answer the above questions, or if you have assessed the impact as medium, please seek further guidance from the Equality and Diversity Lead before proceeding.</p> <p>If the policy does not have a negative impact or the impact is considered low, reasonable or justifiable, then please complete the rest of the form below with any required redial actions, and forward to the Equality and Diversity Lead.</p> | | | | |
| Action Planning: | | | | |
| How could you minimise or remove any negative impact identified even if this is of low significance? | | | | |
| Ensuring managers are keeping the relevant HR representatives updated on requests for employment breaks. | | | | |
| How will any impact or planned actions be monitored and reviewed? | | | | |
| Should there be any complications, they will be regularly reviewed through the appropriate personnel and committees. The Employment Break Policy will be reviewed every 3 years or before it expires. | | | | |
| How will you promote equal opportunity and advance equality by sharing good practice to have a positive impact other people as a result of their personal protected characteristic. | | | | |
| All employees will continue to be treated fairly and equally with the absence of bias and prejudice. | | | | |
| This policy takes into account the Equality Act 2010 to ensure equal treatment for everyone in accordance to the protected characteristics, which will be reinforced in the processes. | | | | |

Please save and keep one copy and then send a copy with a copy of the policy to the Senior Equality and Diversity Lead at bsmhft.edi.queries@nhs.net. The results will then be published on the Trust's website. Please ensure that any resulting actions are incorporated into Divisional or Service planning and monitored on a regular basis

APPENDIX 2

| |
|--|
| EMPLOYMENT BREAK APPLICATION FORM |
|--|

Name: _____ Job Title/Band: _____

Location: _____

Manager's Name: _____

Contact Number: _____

Date of Commencement of Employment in the Trust: _____

I wish to apply for an employment break from (Date) for months.
I am planning to return to work on (Date)

My reason for requesting an employment break is:

.....
.....
.....

I think my Employment Break will affect the service and my colleagues as follows:

.....
.....
.....

I have read and understood the process and conditions of the Employment Break.

I also understand and accept my responsibilities within this procedure.

Signed..... Date.....

APPENDIX 3

Manager's Authorisation

Further to your application for an Employment Break dated _____, I am pleased to confirm that your application has been approved.

OR

I need to inform you that your application for an Employment Break has been declined.

A copy of your application and this authorisation form has also been forwarded to the HR Department.

OR

Your application had been declined for the following reasons:
(Briefly outline the reasons for which the application had been declined.)

Manager's Name.....

Job Title.....

Date.....

Copies: Employee NAME,
Personal File,
Human Resources (electronic copy only)