

DURHAM CONSTABULARY



Altogether Better Policing

Career Break Policy

Application	Police Officers and Staff
Policy Owner	Human Resources
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Durham Constabulary Freedom of Information Act Publication Scheme	



1.0 CAREER BREAK POLICY

2.0 PURPOSE AND SCOPE

- 2.1 Durham Constabulary is committed to maintaining an efficient and effective workforce. In doing so the Constabulary recognises the need to facilitate opportunities to all employees to interrupt their career for a period and return to the Constabulary to continue their service.

3.0 THE LEGAL BASIS AND LEGITIMATE AIMS

- 3.1 Durham Constabulary is required to comply with the requirements of:-
- the Police Act 1996
 - Police Regulations
 - National Vetting Policy.
- 3.2 Throughout the operation of this policy Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionally to achieve the proposed purpose
- 3.3 Durham Constabulary will operate within the policing principles as defined by the College of Policing Code of Ethics and in support of this our policies will seek to promote Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect and Selflessness.
- 3.4 The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying, harassment, victimisation and other unfair treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, gender and sexual orientation.

4.0 POLICY STATEMENT

- 4.1 A career break aims to meet the diverse needs of the work force and maintain the commitment of police officers and staff by allowing an extended period of leave from work to accommodate personal circumstances.

It is Durham Constabulary's aim to retain the knowledge, skills and aptitudes of police officers and staff

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A career break is a break in career for a variety of reasons. It may be granted for a specified purpose including domestic, personal reasons or education.

5.0 ELIGIBILITY FOR CAREER BREAKS

- 5.1 Officers who have successfully completed their probationary period and police staff who have successfully completed one year's continuous service with Durham Constabulary are eligible to apply for a career break providing that there is a valid reason for requesting the break and the application is approved by the Head of Command/Department.
- 5.2 Applications which should include full and detailed reasons for the break should be submitted on form Pers. 212 for approval by the Head of Command/Department at least three months (unless there are exceptional circumstances which prevent this) before the break is required. In exceptional circumstances the individual or the Head of Command/Department can request that the career break commences on an earlier date. Failure to make full disclosure on all known facts at the point of application may result in misconduct/disciplinary proceedings being considered.
- 5.3 In deciding whether to approve an application, the Head of Command/Department should interview the applicant and satisfy themselves that he/she has a clear commitment to continuing a career in the Police Service and that the reasons for requesting the break are valid.
- 5.4 Career Breaks will not be permitted if the individual is currently subject to the disciplinary process.
- 5.5 The application will not be progressed if the individual's attendance at court is a known requirement during the requested period.

6.0 SPECIFIC INSTRUCTIONS

- 6.1 The length of a proposed career break must be for a minimum of 12 months and up to a maximum of 2 years for Police Staff and 5 years for Police Officers unless there are exceptional circumstances. For periods of leave less than 12 months applications should be made via special leave
- 6.2 More than one career break may be applied for in the course of service, provided that the combined length of the breaks does not exceed the maximum of 2 years for Police Staff and 5 years for Police Officers.
- 6.3 Staff will be required to make written application to return to the constabulary 3 months in advance of the date of the anticipated return. Staff returning from a career break will do so at the rank/grade they held immediately prior to the break. For Police Staff this is subject to the provisions outlined in paragraph 11

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- 6.4 Individuals whose applications are approved will be notified within 21 days of the date of application. If an application is refused the reasons for this decision should be recorded on the Pers 212.

7.0 CONDITIONS

- 7.1 Individuals are not required to resign; officers will retain their warrant card and will meet their obligations as a police officer subject to training and safety provisions. This includes responding, where necessary, to any incidents that may arise and require police action. If involved in an incident an officer will provide a witness statement as necessary. Police Staff will surrender their identify card and not exercise any powers they may have from their position within the Constabulary.
- 7.2 Police Officers will be subject to the restrictions imposed upon private life under Regulation 9 and business interests under Regulation 10. Police Staff will remain subject to the Police Staff Standards of Behaviour Policy. All officers and staff will remain subject to the Official Secrets Act.
- 7.3 The term of the career break will not count towards continuous service.
- 7.4 Police Officers and Staff cease to be members of the Police Federation/Trade Union and should contact such prior to the commencement of the career break to discuss any implications. Individuals may make application to re-join upon return from their career break
- 7.5 Police Officers and Staff will not be paid during a career break.
- 7.6 Career break period will not count for the purposes of reckoning entitlement to pay, pension, redundancy purposes, continuous service and annual leave, however annual leave entitlement will be the same as when the career break commenced.
- 7.7 All leave entitlement must be taken prior to the commencement of the career break and outstanding overtime must either be submitted for payment or taken as time off.
- 7.8 It will not be possible for Police Officers to sit any part of the Police Promotion Examinations whilst on a career break.
- 7.9 All pension benefits will be protected at the point of commencement of the break including death benefit, enhanced ill-health pensions and injury benefits, however pension rights will be affected by the break and housing allowance will not be paid. Individuals should seek advice from Pay and Pensions prior to commencement of the break.

- 7.10 Any Officer taking a career break residing in a Police House will be charged a full market rental for their occupation whilst on their break, the charge to be determined by the Constabulary.
- 7.11 Upon return, for Police Officers both rank and pay point will be protected as at the commencement of the career break. Police Staff will resume for pay purposes, at the same pay point which had been reached at the time the career break began. This is subject to restructuring/major organisational changes and the provisions outlined in paragraph 11. The rate of pay will be determined by the rate on that scale which would be payable as at the date of returning.
- 7.12 Police Officers will be issued with a new Service Number on re-appointment Fingerprints will be retained at Headquarters and DNA samples will be retained until an individual leaves the force on a permanent basis.
- 7.13 All uniforms/appointments must be returned to Stores Section at Headquarters and will be re issued upon return to such duties.

8.0 REVIEWS

- 8.1 Staff will be under a general duty to inform the Chief Constable of any circumstances which may affect the agreed terms and timescales of a career break. In particular, staff must not undertake full-time education or activities for which they are paid, reimbursed expenses or which involve them in the sale of goods or services, without the agreement of the Chief Constable (see paragraph 13)
- 8.2 Where the Chief Constable has reasonable grounds for believing that the agreed terms and timescales of a career break may not be achievable, they may require that the individual attends a review. As the result of such a review, the Chief Constable may require that person to return to duty, after a minimum notice period of one month. Individuals will be able to make appropriate representations before a final decision is reached by the Chief Constable.

9.0 KEEPING IN TOUCH

- 9.1 During a career break, an HR representative will ensure that appropriate contact is maintained with the individual.
- 9.2 Police Officers and Staff must notify HR of any changes of address or personal circumstances. Additionally Police Officers are required to contact the Strategic Resource Manager on a 6 monthly basis to confirm that their circumstances remain unchanged and that they still intend to return to the force.
- 9.3 If an officer or staff member no longer wishes to return to Durham Constabulary on the agreed date of return, they must report the reason in writing, immediately to the

Strategic Resource Manager in respect of Police Officers or the Head of HR in respect of Police Staff.

10.0 MATERNITY ENTITLEMENT

10.1 Police Staff

Contractual maternity benefits are not payable to Police Staff whilst on a career break. However in some instances statutory benefit may be available (individuals should contact their local benefits office for information). Police staff should also be aware that failure to return to work from a career break taken directly after maternity provisions cease will necessitate repayment of the 12 weeks contractual half pay.

10.2 Police Officers

In line with Police Regulations, Police Officers who become pregnant whilst on a career break are entitled to the same maternity benefits as officers not taking a career break. An individual on a career break who becomes pregnant, should give notice, as soon as reasonably practicable after she becomes pregnant of the probable date of birth of her child. The provisions of the maternity scheme will then take effect and the career break will be suspended (unless the individual, in giving notice of her pregnancy, confirms that she does not wish to enjoy the provisions of the maternity leave scheme). Resumption of the career break in due course should be subject to further agreement between the Chief Constable and the officer.

10.3 Entitlement to benefits may vary, depending upon how far into the career break the pregnancy occurs. It is likely that officers will not be eligible to receive statutory maternity pay, but maternity benefit may be payable. Officers must return to work for one month following maternity leave otherwise Occupational Maternity Pay (less statutory maternity pay and statutory deductions) is refundable. The arrangement for a return to work and repayment also applies to those Officers who opt to leave the Force under the Voluntary Exit Scheme whilst on a career break. Further advice is available from the local benefits office and Police Pay section, H.Q.

11.0 RETURN TO WORK

11.1 Police Staff

11.1.1 There can be no guarantee that an individual will return to exactly the same post or Command/Department, but every attempt will be made to employ the individual in a post on no less favourable terms, including same pay point, subject to meeting the essential criteria of the post as outlined on the person specification. Police Staff can only return as a vacancy arises as part of the normal recruitment process; if no

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vacancies exist at the point an individual is due to return, the individual's service may be terminated and a redundancy payment made.

- 11.1.2 If a suitable vacancy is on a lower grade than the post held prior to the commencement of the career break the individual will receive the salary applicable to the post and no pay protection will be paid.
- 11.1.3 If an individual, at the end of their career break refuses the offer of redeployment and the Head of HR records that the refusal is unreasonable, no further alternative will be sought and the employment will be terminated as from the date the career break ends and no payment will be made.
- 11.1.4 If an individual wishes to return to Durham Constabulary on a date earlier than the date agreed in their original application, then a report must be submitted in writing to the Chief Constable as soon as possible. Consideration will then be given to the request, however no guarantee can be given that the request will be approved. Such a request will be subject to suitable vacancies existing at the time.
- 11.1.5 Subject to paragraph 11.1.1 staff may be able to return to work within 3 months of application to return, however this is subject to satisfactory clearances as deemed necessary.

12.2 Police Officers

- 12.2.1 It is unlikely that an individual will return to their previous posting however the individual will return to the rank and pay point they held prior to the commencement of their career break. Police officers will be able to return within 3 months of giving notice.

12.3 All Staff

- 12.3.1 For all staff if, owing to a change in circumstances, an individual does not wish to return to Durham Constabulary on the agreed date, the individual must report this in writing to the Head of HR as soon as possible, and in any event, at least 1 month before the agreed original return date. In exceptional circumstances, consideration will be given to extending the period of the career break, providing that the overall period of absence does not exceed the maximum limit of 2 years/5 years, as applicable (unless there are exceptional circumstances) and there is an ultimate intention to return.

13.0 ELIGIBILITY TO RETURN TO WORK

13.1 Upon completion of the career break, staff will be permitted to return to the Constabulary subject to the following conditions:

- (a) that they have at least 3 years continuous United Kingdom residency immediately prior to returning to Durham Constabulary. In the event that individuals are not able to meet the criteria they should provide a certificate from the Police of any country where they have taken temporary residence to indicate that they have not been convicted of any offence whilst in that country or involved in any investigation by a Law Enforcement Agency which includes being interviewed, arrested, issued with any penalty notice, charged or cautioned irrespective of whether that offence is an offence within the United Kingdom. Individuals who are not able to meet the criteria may be subject to appropriate risk assessment by the Force Counter Corruption and Vetting Unit
- (b) that they are able to comply with the Conditions of Service/Police Regulations and complete form as at Appendix B
- (c) satisfactory vetting/security checks
- (d) The Force Medical Advisor is satisfied with the fitness of the individual following appropriate assessment
- (e) at the discretion of the Constabulary, a satisfactory return interview is conducted. In the event that there has been an alleged breach of the Standards of Professional Behaviour during the career break this may result in the application for return to duty/work being delayed for a maximum of 3 months as per police regulations'

14.0 TRAINING NEEDS ON RETURN TO WORK

14.1 Staff will be expected to undertake a period of training on return if necessary, however there will be no requirement to undergo a further probationary period.

15.0 OTHER EMPLOYMENT

15.1 Career breaks will not be approved to allow an individual to pursue and establish an alternative career, however, it is recognised that individuals may need to obtain alternative part-time/casual employment in order to support themselves financially during a career break. The individual must seek approval from the Chief Constable before taking up employment. Such employment must be compatible with the

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interest of Durham Constabulary and the individual must still have a clear commitment to return to Durham Constabulary.

- 15.2 Additionally if an individual intends to pursue an alternative paid work or to commence their own business during the break and this was not included on the initial application, then approval will be required to do so from the Chief Constable. Failure to seek such approval may result in misconduct/disciplinary proceedings being considered
- 15.3 Casual work within Durham Constabulary is permissible for an employee taking a career break if available. Casual work falling within the career break will be remunerated on the salary and conditions appropriate to the duties being performed. Casual work means occasional work that is irregular or infrequent.

16.0 COURT ATTENDANCE/RETURN TO DUTY

- 16.1 It will not normally be necessary for an employee to return to duty during the career break. If an employee is recalled to duty, e.g. for Court, they shall receive pay at plain time rates for that day plus allowances in accordance with their conditions of service. Travelling expenses will not be paid by the Constabulary.

17.0 APPEALS PROCEDURE

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this period not be achievable the individual will be notified in writing when a decision will be communicated.

The Deputy Chief Constable
c/o Human Resources
Police Headquarters
Aykley Heads
Durham
DH1 5TT
Email human.resources@durham.pnn.police.uk

DURHAM CONSTABULARY

EQUALITY IMPACT ASSESSMENTS (EIA)

This form **MUST** be completed by the Policy/Function lead when developing or reviewing policies or procedures which may impact on the way Durham Constabulary conducts its business (both inside and outside of the force) and which may affect one or more of the **NINE 'Protected Groups'** as defined by the Equality Act 2010 i.e. **Age, Gender, Transgender, Disability, Ethnicity, Religion/Faith, Sexuality, Marriage/Civil Partnership and Maternity/Pregnancy.**

The Equality Act 2010 (Section 149) sets out a specific general equality duty for all public sector bodies to, in the exercise of their functions, have due regard to the need to:-

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

As a Public Sector organisation we **MUST** show that when we are making decisions of a strategic nature we:-

- Give due regard to the impact it will have on protected groups
- Provide an audit trail of any assessment undertaken which identifies how the policy or procedure is likely to affect protected groups, and
- Undertake an assessment prior to any decisions around policies/procedures being ratified.

This form should be completed, attached to the relevant policy/procedural document and submitted to the Policy User Group or other strategic group for ratification (See Section 5) ***NB – use extra sheets if necessary.***

PLEASE CONTACT AN HR MANAGER SHOULD YOU NEED ANY ASSISTANCE IN COMPLETING THIS FORM.

SECTION 1 - OVERVIEW OF POLICY /PROCEDURE	
Policy /Procedure Title	Career Break Policy
Person Completing the EIA	Sylvia Horsfield, HR Manager
Purpose of the Policy?	Durham Constabulary is committed to maintaining an efficient and effective workforce. In doing so the Constabulary recognises the need to facilitate opportunities to all employees to interrupt their career for a period and return to the Constabulary to continue their service
Explain briefly why the Policy/Procedure is being developed/reviewed	This policy has been subject to an update to reflect the arrangements for keeping in touch with individuals on a career break.
SECTION 2 – NEGATIVE	

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IMPACT		
Is there potential for adverse impact or discrimination on any of the protected groups mentioned above <i>and what actions if any will be taken.</i>	Age:	No potential for adverse impact has been identified
	Gender:	No potential for adverse impact has been identified
	Transgender:	No potential for adverse impact has been identified
	Disability:	No potential for adverse impact has been identified
	Ethnicity:	No potential for adverse impact has been identified
	Religion & Belief:	No potential for adverse impact has been identified
	Sexuality	No potential for adverse impact has been identified
	Marriage / Civil Partnership:	No potential for adverse impact has been identified
	Maternity /Pregnancy	No potential for adverse impact has been identified


SECTION 3 – CONSULTATION & RESEARCH		
Who has been consulted and what Research has been done around Equality during the development/amendment of the policy/procedure?	All support networks. Force Executive (AC0) HR Staff Independent Advisory Groups (IAG's) Staff associations Business Disability Forum Legal Services Stonewall Heads of Command	

SECTION 4 – POSITIVE IMPACT

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<p>What does the evidence/Research found in Section 2 show with regard to positive impact on Equality? i.e. how will the people identified be affected in a good way.</p>	
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<p>Confirm the above Actions have been incorporated and the EIA is now ready for submission to PUG or other Strategic Group.</p>	<p><u>Signature...</u>  <u>Name</u> S.A. HORSFIELD <u>Date</u> 16th October 2015</p>
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SECTION 5 - RATIFY THE POLICY/PROCEDURE AT HR PUG /OTHER STRATEGIC GROUP	
Meeting/Group:-	HR PUG
Chair of Meeting/Group:-	Gary RIDLEY

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