

CAREER BREAK POLICY (H20)

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the Equality and Diversity team on 01803 656680.

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Date of Issue:	February 2016	Next Review Date:	February 2018
Version:	1	Last Review Date:	February 2016
Author:	HR Manager		
Directorate:	Workforce and Organisational Development		
Approval Route			
Approved By:		Date Approved:	
JCNC		29 January 2016	
Links or overlaps with other policies:			
<i>Need to list all policies that are referred to, or have links to this policy. List them in numeric order.</i>			
Sabbatical Policy H21			
Staff Redeployment, Reorganization and Redundancy Policy HR07 (ex TSDHCT staff)			
Managing Staff Changes Policy No.19 (ex SDHCT staff)			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
v1		Feb 2016	New Trust logo and policy template. Integration of previous Trust policies.	JCNC

Rapid Equality Impact Assessment

Policy Title (and number)		Career Break Policy			
Policy Author		HR Directorate			
Version and Date (of EIA)		Version 1 February 2016			
Associated documents (if applicable)					
RELEVANCE: Does the aim/purpose of the policy relate to each of the aims of the Public Sector Equality Duty?					
• Eliminate unlawful discrimination or other conduct prohibited by the Equality Act 2010					Yes <input type="checkbox"/> No <input type="checkbox"/>
• Advance equality of opportunity between people from different groups					Yes <input type="checkbox"/> No <input type="checkbox"/>
• Foster good relations between people from different groups					Yes <input type="checkbox"/> No <input type="checkbox"/>
SIGNIFICANCE AND IMPACT: Consider the nature and extent of the impact, not the number of people affected.					
Does the policy affect service users, employees or the wider community? (if no, proceed to sign off)					Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the policy affect service delivery or business processes?					Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the policy relate to an area with known inequalities (deprivation/unemployed/homeless)?					Yes <input type="checkbox"/> No <input type="checkbox"/>
EQUALITY ANALYSIS: How well do people from protected groups fare in relation to the general population?					
<i>PLEASE NOTE: Any 'Yes' answers may trigger a full EIA and must be referred to the equality leads below</i>					
Is it likely that the policy/procedure could treat people from protected groups less favorably than the general population? (see below)					
Age	Yes <input type="checkbox"/> No <input type="checkbox"/>	Disability	Yes <input type="checkbox"/> No <input type="checkbox"/>	Sexual Orientation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Race	Yes <input type="checkbox"/> No <input type="checkbox"/>	Gender	Yes <input type="checkbox"/> No <input type="checkbox"/>	Religion/Belief (non)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Gender Reassignment	Yes <input type="checkbox"/> No <input type="checkbox"/>	Pregnancy/ Maternity	Yes <input type="checkbox"/> No <input type="checkbox"/>	Marriage/ Civil Partnership	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is it likely that the policy/procedure could affect particular 'Inclusion Health' groups less favorably than the general population? (substance misuse; teenage mums; carers; travellers; homeless; convictions; social isolation; refugees)					Yes <input type="checkbox"/> No <input type="checkbox"/>
Please provide details for each protected group where you have indicated 'Yes'.					
What if any, is the potential for interference with individual human rights? (consider the FREDA principles of Fairness/ Respect/ Equality/ Dignity/ Autonomy)					
N/A					
RESEARCH AND CONSULTATION					
What is the reason for writing this policy? (What evidence/ legislation is there?)					
Outlines process and conditions for Career Breaks.					
Who was consulted when drafting this policy/procedure? What were the recommendations/suggestions?					
Trade Unions					
ACTION PLAN: Please list all actions identified to address any impacts					
Action				Person responsible	Completion date
AUTHORISATION					
Name of person completing the form	HR Manager			Signature	
Validated by (line manager)				Signature	

Contents

1	Statement	5
2	Purpose	5
3	Definition	5
4	Scope.....	5
5	Equality and Diversity Statement.....	5
6	Roles and Responsibilities	5
7	Entitlement to Career Break.....	6
8	Length of a Career Break	7
9	Terms and Conditions of a Career Break.....	7
10	Application Procedure.....	9
11	Keeping in Touch Arrangements.....	10
12	On Return from Career Break	11
13	Where an Employee Decides Not to Return to Work.....	11
14	Disciplinary Action	11
15	Review Procedure against decision not to grant a Career Break.....	12
16	Training and Awareness.....	12
17	Contact Details.....	12
18	Monitoring, Audit and Review Procedures	12
19	Appendix 1 – Career Break Application Form.....	13
20	Appendix 2 – Approval of Application for Career Break	15
21	Appendix 3 – Career Break Financial Agreement NHS Pension Contributions.....	18
22	Appendix 4 - Rejection of Application for Sabbatical Leave.....	19

Career Break Policy

1 Statement

- 1.1 The Trust recognises that during an employee's working life there will be times when personal commitments take priority over work.

2 Purpose

- 2.1 The purpose of the Trusts Career Break Scheme is to retain skilled and experienced staff, who wish to take a break from work, but who intend to resume their careers within the Trust at a later date. It is also intended that the scheme will offer support to staff who may need a break from employment in order to balance the demands of working, with home and personal responsibilities in order to help facilitate greater work-life balance.

3 Definition

- 3.1 A Career Break is an extended period of authorized unpaid leave (usually between 3 months and not normally longer than 2 years), which is available for approved purposes and subject to specific conditions. It offers an opportunity to take an extended period away from work which exceeds that offered by normal leave arrangements or other options, such as parental leave. The Career Break Scheme is a discretionary provision and the Trust will consider a range of circumstances when making a decision on individual requests.

4 Scope

- 4.1 This policy applies to all those employed by Torbay & South Devon NHS Foundation Trust with 24 months continuous service with the Trust.

5 Equality and Diversity Statement

- 5.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trusts will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.
- 5.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

6 Roles and Responsibilities

- 6.1 Managers are responsible for:
- Having an open and constructive discussion with the employee following receipt of their application.
 - Considering all requests for a Career Break in a timely and reasonable manner.
 - Ensuring that any decision is balanced against the needs of the service and the needs of the individual.
 - Confirming in writing the reasons for their decision to the employee.

Career Break Policy

- Completing appropriate documentation to ensure that the Career Break is effectively managed through the ESR and payroll.
- Maintaining contact with the employee during their Career Break at agreed times and providing agreed Keep in Touch information.

6.2 Employees are responsible for:

- Providing sufficient information on the application and in discussion to enable the manager to make an appropriate decision.
- Recognising the demands of service provision and be prepared to constructively discuss alternatives or changes to their plans in order to balance their own wishes with the needs of the service.
- Ensuring they comply with and meet the terms and conditions of the Career Break.
- Maintaining contact with their line manager during the period of the Career Break.
- Where applicable maintain professional registration or other fundamental requirements affecting their role.

7 Entitlement to Career Break

Applications will be considered from all employees who:

7.1 Are employed on a permanent contract by Torbay and South Devon NHS Foundation Trust.

7.2 Have a minimum of 24 months' continuous employment with Torbay and South Devon NHS Foundation Trust with a satisfactory work record, i.e. there should be no recent or pending formal or informal action for issues relating to performance, conduct or attendance. When considering attendance managers should have regard to any disability arising from long term ill health and/or absence and may wish to seek further advice from human resources.

7.3 The career break scheme is available to all eligible employees to:

- Care for dependent relative(s), where no other flexible working options are considered suitable.
- Continue child care following paid maternity leave.
- Undergo further education or training not directly related to current post.
- Work overseas or in a voluntary capacity where this would enhance the skills and experience of the employee.
- Temporary relocation overseas (e.g. to accompany a partner who has been assigned overseas).

7.4 Where possible individuals should apply at least 4 months in advance and undertake a commitment to remain employed with the organisation for two years following their return from the career break.

7.5 The costs of providing cover during the period of absence will be a major factor in the decision making process.

7.6 For staff wishing to enhance their career development, which will be of specific benefit to the Trust consideration, should given to the Sabbatical Policy.

8 Length of a Career Break

- 8.1 The maximum length of break would normally be 2 years. The maximum period that can be applied at any one time is 2 years, with a review after the first year.
- 8.2 Breaks should be able to be taken either as a single period or as more than one period. However, an employee should normally have attended work for at least 2 years before another request is made.
- 8.3 The minimum length of break should be three months.
- 8.4 The length of any break should balance the needs of the applicant with the needs of the service at no extra cost.
- 8.5 An application may be made for the career break to be extended where appropriate with a minimum of one month's notice, or for an early return from a career break.

9 Terms and Conditions of a Career Break

9.1 Continuity of Employment

During the career break all rights under the Contract of Employment will be suspended including redundancy, maternity, adoption, paternity leave, annual leave and sick pay.

Continuity of service will be maintained for statutory purposes only during the career break

Career breaks will not be counted towards reckonable service and will therefore impact on the employee's occupational pension scheme benefits and any other statutory or contractual rights that are dependent on length of service e.g. annual leave and sick pay. Effectively, the employee's period of continuous service will begin again once he/she is re-employed at the end of the career break.

9.2 Pay & Conditions

As the contract is considered to be broken by the break there will be no entitlement to pay, including maternity/paternity/adoption pay or to sick pay. There will also be no incremental pay progression for the period of the break.

There will be no entitlement to other conditions arising under the contract during the break, such as annual leave and bank holidays.

Any existing salary sacrifice arrangements will cease during the career break. An employee will not be entitled to receive childcare vouchers and where the salary sacrifice is linked with repayment or purchase e.g. the lease car, cycle scheme, IT scheme, the employee will be expected to settle the outstanding balance prior to commencement of the career break.

On return to work employees resume, for pay purposes, at the same point or incremental scale which had been reached at the time of the career break began. The next

Career Break Policy

incremental date following the commencement of the career break will be deferred by the number of days in the career/employment break. For example:

Original incremental date	1 September 2015
Length of break	1 May 2015 to 30 November 2015 (275 days)
Increment date on return	3 June 2016 (1 Sept 2015 plus 275 days)

Any post vacated by the employee accepted on a career break may be filled on a permanent basis at the discretion of the line manager. Factors to be taken into account will include turnover rates, the anticipated duration of the break and special skills required.

The Trust has the right to terminate a Career Break if the employee fails to comply with the agreed terms and conditions.

The employee may terminate the agreement at any time giving notice equivalent to that required within their contract of employment.

9.3 Pension & National Insurance

The Trust will not pay an employee's National Insurance. The individual will be responsible for making arrangements with the Department of Work and Pensions if they wish their NI contributions to be preserved.

An employee can choose to continue to contribute to the NHS Pension scheme providing they agree to pay the relevant contributions as defined below:

- For the first 6 months the employer will continue to meet their contributions but the employee must make provision for their employee contribution.
- The employee can continue to contribute to the scheme for a further 18 months following the initial 6 month period, but they must make both employer and employee contributions during this period.

If an individual wishes to remain in the pension scheme during a sabbatical they must agree it with their line manager and indicate their intention using the relevant form at appendix 3. The pension contributions must be paid by Standing Order to the Trust on a monthly basis.

Individuals who are members of the NHS Pension Scheme and who are considering an unpaid Sabbatical are strongly advised to seek advice from the Pensions Department:

The Pensions Team Manager
 Regents House
 Regents Close
 Torquay
 TQ2 7AN

Tel: 01803 653303

Career Break Policy

Further details are available from the Pensions Agency website www.nhsba.nhs.uk/pensions. In particular the document ' NHS Pension Scheme: Authorised Leave/Career Breaks FAQs.

9.4 Annual Leave

All accrued annual leave must be taken before commencement of the career break. No payment in lieu of outstanding leave will be made nor any carry-over of leave allowed. There is no entitlement to annual leave during the career break, on return to work entitlement to annual leave would be the same as when the break started, and the period of the career break will not count for reckonable service for leave purposes.

9.5 Trust Property

Prior to an employee commencing a career break, where applicable, managers must ensure that appropriate arrangements have been made in respect of the return of Trust property, i.e. lap tops, mobile phones and lease cars (where appropriate), ID badges and Smart cards.

9.6 Undertaking paid Employment

Employees will not normally be granted a Career Break to take up paid employment with another employer except in exceptional circumstances, for example:

- Work overseas or charitable work that could broaden experience
- The employee needs to undertake some work in order to fund their stay.

Where an employee wants to take up paid work during a career break they must first obtain written authorisation from the Head of Service/Operations or Zone or Clinical Manager. For Medical and Dental staff approval should be sought from Associate Medical Director and Service Business Unit Manager.

For staff wishing to undertake paid or unpaid work to enhance their career development or pursue of topic of special interest, which will be of specific benefit to the Trust, the Sabbatical Policy should be used.

Taking up paid employment during the period of a career break without written authorization from the Trust could negate the employee's entitlement to be re-engaged.

10 Application Procedure

10.1 Employees should submit a written application on the form provided at Appendix 1. The form should be submitted to the individual's line manager where possible a minimum of 4 months before the proposed start date.

10.2 The line manager should arrange to meet with the individual to discuss the application in more detail including the reason for the career break. The manager should ensure the individual has a copy of the Career Break Policy and understands the implications of taking a career break.

10.3 Following this meeting the line manager should pass the application to the senior manager who will have final authorisation. For Medical and Dental staff the application

Career Break Policy

form should also be approved by the Associate Medical Director. When considering a request for a career break consideration must be given to the provision of cover during the period of absence.

10.4 Each application will be considered on its own merits but the following criteria will form part of the considerations:

- The purpose of the application
- The employee's present post and the ease with which the individual can be covered on a temporary basis.
- Service pressures and performance and how the employee's absence may affect these.
- Flexibility or alternative arrangements which would enable the career break to take place.
- The length of break requested
- Other staff absences within the service
- Forthcoming organisational change or service changes pending
- The employee's attendance, performance and disciplinary records
- The employee's record of previously agreed periods of paid/unpaid leave.

10.5 If granted, the period of leave may be delayed until adequate cover arrangements are made.

10.6 If the application is approved, either as requested or subject to conditions, the line manager should meet again with the employee to agree the details of how the break will be managed. This meeting should cover the following:

- Detailed confirmation of dates of break
- Employee responsibilities during the break
- Keep in touch arrangements
- Applications to extend the career break
- Notice requirements for return to work
- Terms and conditions associated with the break
- Managing outstanding annual leave
- Managing the period until the break ensuring robust arrangements for work handover

11 Keeping in Touch Arrangements

11.1 When the career break is arranged, the line manager and employee will discuss keep in touch arrangements. These should reflect the nature of the individual's role, the length of the career break and the wishes of the employee during the break. The arrangements should be sufficient however, to ensure that the employee continues to feel connected with the Trust. Where the break extends beyond 12 months the line manager should arrange to meet/speak with the employee at least annually in order to update them on organisational changes and to reconfirm the commitment to the scheme.

11.2 On return from a career break the line manager must ensure that the employee is appropriately inducted back into the Trust. This should include plans for refresher and mandatory training where appropriate. The line manager may also wish to consider meeting with the employee 3 months from their return to review how the employee is

Career Break Policy

settling back into the workplace and to determine whether any further support or training is needed.

- 11.3 During a career break an employee may continue to apply for Trust advertised vacancies. Employees should be aware however, that if they are successful, it is not guaranteed that the Career Break can continue and this will depend on the exigencies of the service in the area where the new post works.

12 On Return from Career Break

- 12.1 An employee must confirm their date of their return to work in writing to their line manager, prior to taking the career break.
- 12.2 Under the provisions of this scheme there is no guarantee of re-employment or appointment to a particular post at the end of a career break.
- 12.3 Where possible the Trust will endeavour to facilitate the individual's return to their substantive post. Where this is not possible then the Trust will offer a post at a similar pay band and responsibility to that held before the career break, taking into account the employee's experience, achievements and qualifications.
- 12.4 Where the post is offered at a lower pay band than the substantive post held before the career break, pay protection arrangements will not apply. In accepting the post the employee does so on the terms and conditions of the role offered.
- 12.5 If there are no suitable posts available immediately then the Trust will seek to find appropriate duties for a period not exceeding 3 months to enable time to find a suitable alternative.
- 12.6 If the individual has failed to maintain their registration, or another absolute requirement for their role, they will forfeit their right to return to their former role, and then the Trust will consider this a breach of contract and reserves the right to terminate the employee's employment without notice. Employees will be required to provide evidence of their registration before their return to work.
- 12.7 Where a career break extends beyond 12 months then an employee may be required to undergo a CRB check prior to their return

13 Where an Employee Decides Not to Return to Work

- 13.1 If an employee wishes to end their employment during the career break they should place their resignation in writing to their line manager as soon as possible.
- 13.2 If the career break immediately follows a period of maternity leave, staff will be required to repay occupational maternity/paternity/adoption leave benefits less Statutory pay.

14 Disciplinary Action

- 14.1 The Trust reserves the right to take appropriate disciplinary action and/or terminate the employment of a member of staff if:

Career Break Policy

- They fail to co-operate with the requirements of the career break
- They fail to return at the end of the career break and have not notified the Trust

15 Review Procedure against decision not to grant a Career Break

- 15.1 Decisions regarding a career break should be dealt with in a reasonable manner. An employee who believes that their request has been unreasonably refused has the opportunity to request a review against the decision using the following procedure.
- 15.2 A written letter of review must be submitted to the appropriate manager (at a level above the manager who made the original decision) within 14 calendar days of the letter confirming the refusal. The letter should detail the reasons why the employee believes the original decision was not appropriate.
- 15.3 The senior manager will review the original decision and assess whether or not the decision reached was appropriate in all the circumstances. In making this decision the senior manager may find it helpful to meet with either or both the employee and manager where appropriate. The outcome of the review will be communicated in writing. The outcome of the Senior Manager's decision is final.

16 Training and Awareness

- 16.1 Advice and support will be provided by the HR team to support staff and managers in adhering to this policy and their understanding of dealing with requests for a Career Break.
- 16.2 The HR team will raise awareness of this policy through the publication of information on ICON and to advise staff of changes to the policy through the staff bulletin and ratification processes.

17 Contact Details

- 17.1 Any queries regarding this policy should be directed to the HR team of the Directorate of Workforce and Organisational Development.
- HR Helpline – 01803 655754 (ext. 55754)
 - HR department – 01803 654506

18 Monitoring, Audit and Review Procedures

- 18.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the Directorate of Workforce and Organisational Development unless legislative changes determine otherwise.

19 Appendix 1 – Career Break Application Form

Name			
Post Held		Contract hours	
Department			
Start date with the Trust		Start Date in Current Post	
Home Address			
Telephone Number			
Payroll Number			
Professional Registration Number			
Are you a member of the NHS Pension Scheme?			
Details of career Break			
Proposed Start date			
Proposed Return Date			

I confirm that I have worked continuously as an employee of the Trust for the last 24 months.

I have read the Career Break policy and understand the impact the break will have on my employment status and terms and conditions.

Signed	
Name (Print)	
Date	

Section B – To be completed by Line Manager

Name	
Position	
Do you support this application?	YES <input type="checkbox"/> No* <input type="checkbox"/> *Please give details
Reasons Application is not supported:	
Signed	
Date	

Section C – To be completed by Senior Manager

Name	
Position	
Do you Approve this application?	YES <input type="checkbox"/> No* Please give details <input type="checkbox"/>
Reasons application is denied	
Signed	Date:

Section D – To be completed by Associate Medical Director (for medical and dental)

Name	
Position	
Do you Approve this application?	YES <input type="checkbox"/> No* Please give details <input type="checkbox"/>
Reasons application is denied	
Signed	Date:
Copy to be retain on the personal file with additional copy sent to Payroll	

20 Appendix 2 – Approval of Application for Career Break

Dear

I am writing further to your request to take a Career Break, to confirm that your application has been approved. This offer is in accordance with the terms and conditions set out in the Trust's Career Break policy, which you agreed to abide by during the course of your break.

The individual details agreed are as identified below:

1. Length of Break

Your career break will commence on [insert start date] and will be for a period of [insert duration] you will be required to return to work on [insert date]

2. Salary Arrangements

The Career break is unpaid.

3. Keeping In Touch

You will be kept informed of developments in your department through relevant staff newsletters and key information regarding changes in the development/service. Where feasible you will be invited to relevant training updates and key developmental meetings, paid at the rate for the banding of the post when you commenced your career break, but including any subsequent pay awards.

You have a responsibility to keep in touch with your line manager keeping them informed of any change of personal circumstances, such as a change of address.

4. Professional Registration

During your career break and upon return to work you are required to keep up to date with your relevant professional registration needs, including attendance at specified training courses. It will be your responsibility to finance any attendance at training courses and or conferences/updates.

5. Return to Work

Your date of return should be confirmed in writing to your line manager before commencement of the career break and should be confirmed in writing no less than 3 months prior to your recommencement date.

Wherever possible and according to job availability, the job offered on return will be either your substantive post or if this is not possible a post similar in pay band and responsibility to that held before the career break and will take into account the employees experience, achievements and qualifications. Although no guarantee can be given that this will be in the same department or area.

Career Break Policy

Where you return to the same post you will return to the equivalent salary level, reflecting any increases in basic pay awarded during the career break. Should you return to work in a post at a lower band, pay protection arrangements will not apply.

In circumstances where a similar post is not available you will be placed at risk of redundancy under the relevant Trust policy and a search for suitable alternative employment will commence.

There is no guarantee of re-employment or appointment to a particular post at the end of the career break.

6. Contractual Terms Suspended

Your contract will be held in suspension and during this period you will not be paid and you will not be entitled to any other contractual entitlements including redundancy, maternity, adoption, paternity, annual leave and sick pay.

The career break will count towards continuous employment for statutory purposes.

A break of more than 12 months will constitute a break for sick pay purposes.

7. Pension Contributions

You have the option to remain part of the NHS Pension Scheme providing you agree to pay the following contribution;

- First 6 months – employee contributions only
- 7 to 24 months – employee and employer contributions

If you decide to treat your career break as Pensionable you should complete the Financial Agreement (Appendix 3) and in doing so agree to make appropriate payments to the Trust whilst you are on your break.

8. Agreement

I have enclosed a copy of the Career Break policy for your information. If you are in agreement to the terms and conditions upon which this Career Break is offered please sign and return the second copy of this letter to me.

Yours sincerely

PLEASE DO NOT DETATCH

Name of Manager Signed:..... Date.....

For Medical & Dental Staff

Name of Associate Medical Director..... Signed:.....

Date.....

Career Break Policy

Name of Applicant Signed:..... Date.....

Copy: to be retained on individuals personal file and sent to payroll with the application form.

21 Appendix 3 – Career Break Financial Agreement NHS Pension Contributions

To be completed and sent to Payroll Dept.

Upon commencement of a Career Break the employee has the right to choose if the break of up to two years is Pensionable. When selecting to treat the break as Pensionable Service the employee remains liable for Monthly Pension Contributions.

Initially for the first six months of the Career Break, the employee will pay their contribution and the Trust will continue to pay the employer contribution. After six months the employee may continue to pay an additional 18 months employee contribution but must also pay the employer contribution. All contributions will be based on pre-break earnings.

Where the Employee selects to treat the break as Pensionable they agree to make monthly payments to the Trust via standing order.

Application

Name..... Payroll Number.....

Job Title..... Dept.....

Career Break Details

Start.....Duration.....Return to Work Date.....

Please select:

- Option 1 I do not wish my career break to be treated as Pensionable Service
- Option 2 I wish to treat the initial six months career break as Pensionable and undertake to pay monthly employee contributions via standing order.*
- Option 3 I wish to treat the full term of my career break as pensionable (up to maximum of 2 years) and undertake to pay monthly employee contributions for the first 6 months and thereafter employee and employer contributions. All contributions will be made via standing order*

Signed..... Date..... Print Name.....

*A standing order mandate will be sent to the applicant once pension contributions payable during the career break have been calculated. Upon return to work any difference between actual contributions made and employee standing order payments will be adjusted through the employees pay.

22 Appendix 4 - Rejection of Application for Sabbatical Leave

Dear

Thank you for submitting your application for a Career Break. Having given your application due consideration and following discussion with service leads it is with regret that I am writing to advise you that I am unable to support your application for the following reasons:

- Xxx
- Xxx
- Xxx

I would be happy to discuss these reasons in more detail with you should you wish.

You may also request a review of my decision. You can do this by submitting a written letter towithin 14 calendar days of this letter. The letter should detail the reasons why you believe my decision is not appropriate.

Yours sincerely