

# Police Service of Northern Ireland

HQ Ref: HR/PD/14

SP 34/2009

## SERVICE PROCEDURE

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### CAREER BREAKS AND UNPAID LEAVE FOR POLICE OFFICERS

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#### 1. SERVICE PROCEDURE IDENTIFICATION

**SERVICE PROCEDURE TITLE:** Career Breaks and Unpaid Leave  
for Police Officers

**PROCEDURAL OWNERSHIP:**

**DEPARTMENT** Human Resources  
**BRANCH** People Development

**AUTHOR** People Development

**PROCEDURE APPROVED BY:**

**CCF REF/OTHER**  
**DATE OF APPROVAL**

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**NOT PROTECTIVELY MARKED**

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## **2. AIM OF SERVICE PROCEDURE**

(1) The Police Service of Northern Ireland (PSNI) career break and unpaid leave scheme is designed to provide means for police officers to spend a period of time away from work pursuing other activities without giving up their career.

### **(2) Definitions**

#### **(a) Career Break**

A career break is a period of unpaid leave of absence during which the officer, regardless of rank will retain the office of Constable and be subject to the provisions of the Police Regulations and Code of Ethics. A career break lasts from 1 to 5 years.

#### **(b) Unpaid Leave**

Similar to above, but the period of unpaid leave lasts up to 1 year.

## **3. INTRODUCTION**

(1) It must be clearly understood that the purpose of providing career breaks and unpaid leave is two-fold. Firstly, it assist officers in attaining a meaningful 'work-life balance' by facilitating them with a break away from the work place and secondly to assist the PSNI in retaining skills and experience over the longer term.

(2) The granting of career breaks/unpaid leave is a discretionary matter and not an entitlement. Each application will be considered on its own merits and in light of the circumstances that prevail in the specific business area and organisation as a whole at the time of the application. In accordance with the PSNI 2005 regulations the Chief Constable is obliged to consider applications for a career break or unpaid leave but retains the right to refuse any application.

(3) When considering a career break or unpaid leave request, consideration will be given to health, attendance, performance and conduct of the applicant.

(4) A career break/unpaid leave will be regarded as a period of absence during which an officer will retain the office of Constable and be subject to the provisions of Police Regulations and the Code of Ethics, therefore conduct incompatible with the planned return to work as a police officer may be subject to misconduct/disciplinary procedures during the absence.

(4) Further guidance on the application of unpaid leave and career breaks is available in the Human Resource Guidance Centre on PoliceNet.

## **4. LEGAL BASIS**

(1) Police Service of Northern Ireland Regulations 2005, Regulation 32 Annex O.

(2) There was agreement with the Police Negotiating Board in 2000 to introduce a career break scheme into the PSNI. PNB circular 00/16 refers.

(3) This scheme also takes into account the provisions of the European Convention of Human Rights (ECHR) as incorporated in Schedule 1 of the Human Rights Act 1998.

**5. POLICY LINKS**

- (1) Policy Directive No 10/09 - Management of Sickness Absence;
- (2) Service Procedure No 33/08 - Flexible Working Application Procedure for Police Officers and Police Staff;
- (3) Service Procedure No 34/08 - Special Leave (Domestic);
- (4) Policy Directive 08/08 - PSNI Performance Management and Development System Annual Performance Review (Police Officers and Police Staff);
- (5) Code of Ethics 2008;
- (6) Policy Directive 11/07 - Integrity and Professional Standards;
- (7) Service Procedure No 80/07 - PSNI Secondments;
- (8) Service Procedure No 11/04 - Business Interests Policy.

**6. CONSULTATION**

The following stakeholders have been consulted in the preparation of this Service Procedure:

- (1) Director of Human Resources (HR);
- (2) Director of Finance and Support Services;
- (3) Head of Media and PR;
- (4) Employment Lawyer;
- (5) Human Rights Legal Adviser;
- (6) Police Federation for Northern Ireland (PFNI);
- (7) Superintendents' Association of Northern Ireland (SANI);
- (8) Relations, Reward and Evaluation;
- (9) Equality and Diversity;
- (10) Chief Superintendents.

**7. HUMAN RIGHTS/UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION**

- (1) This Service Procedure is deemed to be Human Rights compliant and has no United Nations Convention on the Rights of the Child (UNCRC) issues.
- (2) This Service Procedure has been screened for Section 75 considerations and complies with the PSNI Code of Ethics.
- (3) This Service Procedure is suitable for disclosure under Freedom of Information requirements.

## 8. IMPLICATION OF SERVICE PROCEDURE

Bureaucracy

This Service Procedure does not create unnecessary bureaucracy on those personnel responsible for administration of the scheme.

## 9. PROCEDURE AND/OR GUIDANCE

Officers may apply to spend a period of time away from work in one of 2 ways. They can apply for either:

- (1) a period of unpaid leave;
- (2) a career break.

### (a) Eligibility

The following eligibility criteria apply to **both** aspects of the scheme:

- (i) Officers must have successfully completed their probationary period before they can apply for a career break or unpaid leave. (This does not apply to unpaid leave taken under Special Leave Domestic - Service Procedure 34/08);
- (ii) Officers must have attained satisfactory standards of performance, conduct and attendance, both at the time of application and also commencement;
- (iii) The career break or unpaid leave will not extend beyond the compulsory age of retirement.

### (b) General Principles Career Break/Unpaid Leave

- (i) If an officer wishes to take a break from work for a period of less than 1 year this will be considered as **unpaid leave**. It is envisaged that unpaid leave is appropriate for purposes such as, for example, extended travel or domestic commitments. This should be arranged at local level with the relevant Head of Human Resources (HR) who should take into account that the officer availing of unpaid leave will **not** be replaced for the relevant period and the District or Department will have to carry the vacancy until the officer returns. The period of unpaid leave must be less than 1 year;
- (ii) If an officer wishes to take a break from work for a period of more than 1 year this will be considered as a **career break**. Typical reasons for which an individual may consider a career break may include family commitments, to pursue a course of study which is necessary or desirable for the individual's role and contributes to achieving organisational objectives, voluntary services, travel or participation in overseas activities of the Reserve Forces. A career break period, or periods, will last for more than 1 year and less than 5 years. Central Human Resources (HR) Department will endeavour to provide a replacement officer;
- (iii) Organisational need and the requirement to maintain an operationally effective police service must take precedence over individual needs. Criteria which may be applied to determine organisational effectiveness may include the number of officers in the District/Department on long term sick leave or current vacancy levels;

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- (iv) Business interests, paid employment or full time education cannot be undertaken during a period of unpaid leave or a career break unless it receives appropriate prior approval under the terms of Policy and Regulations;
- (v) Career Breaks will not be authorised for the purpose of enabling an officer to avail of employment within another police service. The PSNI Secondment procedure provides opportunities for officers to develop their career and gain knowledge and experience within other police services and organisations;
- (vi) Officers may avail of more than one break but the total duration of career breaks and unpaid leave during an officer's service may not exceed 5 years. In exceptional circumstances the Chief Constable may allow more than 5 years;
- (vii) Officers must return to work for a minimum period of 1 year before commencing another period of unpaid leave or an additional career break. This qualifying period may be waived at the discretion of the Head of HR in cases of domestic urgency;
- (viii) Officers whilst on career break/unpaid leave may apply for promotion or selection competitions, subject to eligibility criteria. If successful in either process, there may be a requirement to revise the duration of the career break/unpaid leave to take up an available posting. It is the personal responsibility of an officer to keep informed with regard to internal selection/promotion processes;
- (ix) For the purpose of establishing time served in rank in relation to promotion, selection or seniority of pay, time spent on career break or unpaid leave will not be included.
- (x) Officers whilst on career break will not normally have access to Occupational Health and Welfare (OHW) services. OHW provides advice and support relating to the role related functional capability of serving police officers and staff. The officer's General Practitioner (GP) is the primary health care provider. It is recognised that there may be exceptional cases requiring support from OHW services, such as the development of Post Traumatic Stress Disorder symptoms, where the source of the condition is directly related to PSNI work activities. In such cases the officer should make contact with their line manager to request a management referral.

**(c) How to Apply For Career Break/Unpaid Leave**

- (i) Applications for career break and unpaid leave must be made in writing at least 3 months in advance to the officer's line manager outlining the timing and the reason for the request;
- (ii) The line manager endorses or rejects the application before forwarding to the Head of HR who will be the decision-maker in respect of applications. (Details are available in the Guidance Centre on PoliceNet - [.\\_\\_\\_\\_\\_](#))

**(d) Return From Career Break/Unpaid Leave**

- (i) The officer must adhere to the return to work date specified when the application for **unpaid leave** was approved. There will not usually be any extension for an approved application for unpaid leave. Those on unpaid leave may apply to return to work earlier if required. (Details are available in the Guidance Centre on PoliceNet);
- (ii) The officer must adhere to the time limits as outlined below prior to returning from a **career break**.

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- (iii) Officers must ensure that their Human Resources (HR) Manager receives notification from them 3 months before the expected date of return to:
    - (aa) confirm their intention to return at the end of the current agreed period;
    - (bb) apply for an extension (up to maximum of 5 years although in exceptional circumstances the Chief Constable may allow more than 5 years);
    - (cc) indicate if their intention is to resign.
  - (iv) This will allow a suitable post to be identified and the officer notified;
  - (v) The situation may arise where an officer on career break finds that due to exceptional and unforeseen circumstances they are unable to avail fully of the career break and they indicate to the HR Manager that they wish to return to work without the aforementioned 3 months' notice or within the agreed period of absence. In such a situation it is for Central HR Department to decide to allow the officer to return to work early. In this case the officer may return to duty before the agreed end date of the career break and where possible with the same determined hours and work pattern as before the start of the career break. In the case that there is a suitable vacancy, the officer may return within 1 month of giving notice of their intention to return to duty or in any other case, within 3 months of giving notice of intention to return to duty;
  - (vi) In any event, should an officer for reason of unfitness for duty not return to work on the early return to work date, it will be deemed that the officer will remain on career break/unpaid leave until the initial agreed career break/unpaid leave end date;
  - (vii) If it is decided that the officer may return to work early the career break/unpaid leave will be suspended. Any future resumption of the career break/unpaid leave will be subject to a new agreement between the Head of HR and the officer;
  - (viii) If the officer fails to return to work following the agreed 3 months' notice period then the officer will be deemed to have offered their resignation at the start of the career break.
- (e) **Maternity Provisions Career Break/Unpaid Leave**
- (i) Police officers who become pregnant whilst on a career break/unpaid leave are entitled to the same maternity benefits as officers not taking a career break/unpaid leave. An officer on a career break/unpaid leave 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/unpaid leave will be suspended, unless the officer, in giving notice of her pregnancy confirms in writing that she does not wish to enjoy the provisions of the maternity scheme. Resumption of the career break/unpaid leave in due course will be subject to further agreement between the Head of HR and the officer;
  - (ii) Adoption and Paternity rights will be considered in the same context as maternity provision;
  - (iii) An officer may be eligible to apply for a career break/unpaid leave to commence at the end of statutory maternity leave, providing the requisite notice is given. However, in the event that the officer fails to return to work for a minimum period of 1 month at career break/unpaid leave end, there will be a requirement to reimburse the Occupational Maternity Pay (OMP), less any Statutory Maternity Pay (SMP) to which the officer is entitled.

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**(f) Posting On Return to Work From Career Break/Unpaid Leave**

- (i) The officer will return to the District/Department in which they were working prior to the period of **unpaid leave** and where possible, the same post and location as before the start of the unpaid leave, however the posting or location cannot be guaranteed and will be dependent upon District/Department operational requirements;
- (ii) Police officers cannot be guaranteed a return to the same post or same District/Department upon completion of a **career break**; however, sympathetic consideration will be given in line with service requirements. Officers in specialist posts should be aware that the length of time spent on the career break would not count towards the period of tenure for that post;
- (iii) On the agreed return date, the officer shall return to duty, where possible with the same determined hours and work pattern as before the start of the career break. In all cases the HR Manager should contact Central HR Department to confirm the officer's placement;
- (iv) Officers seeking to return to work on an alternative working pattern will be required to make application under the Flexible Working Service Procedure. Officers who had an agreed flexible working pattern prior to the commencement of the career break will be subject to review upon return, in accordance with annual review procedure as outlined in Service Procedure No 33/08 - Flexible Working.

**(g) Review - Career Break/Unpaid Leave**

Where the Head of HR has reasonable grounds for believing that the agreed objectives and timescales of a career break/unpaid leave may not be achievable, they may require the officer to attend a review. As the result of such a review, the Head of HR may require the officer to return to duty, after a minimum notice period of 1 month, provided that if the Head of HR is minded to require the officer to return to duty, they will allow the officer to make appropriate representations before they reach a final decision.

**10. MONITORING/REVIEW**

People Development will review this Service Procedure annually or sooner if necessitated by legislative, regulatory or organisational requirement.

**11. CANCELLATION**

Service Procedure No 21/06 – Career Breaks and Unpaid Leave for Police Officers is hereby cancelled.

**Service Procedure No 34/2009**

**Index Entries/**

**‘C’ Career Breaks and Unpaid Leave for Police Officers**

**‘U’ Unpaid Leave for Police Officers – Career Breaks and**

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