

# SPECIAL LEAVE AND CAREER BREAKS POLICY DOCUMENT SUITE

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## At a Glance

**Title** Special Leave and Career Breaks

**Overview** National Highways recognises employees may want or need to take some time away from work for personal reasons, and may, at its discretion, approve a request to take a period of paid or unpaid special leave.

This policy will help identify the most appropriate way to facilitate this.

### Key Points:

- There are different types of special leave: some is [paid](#) and some is [unpaid](#).
- A [career break](#) is a type of extended unpaid special leave, which may be for domestic purposes (e.g. caring responsibilities) or to undertake further education, training or voluntary work. It is a formal variation to the employment contract.
- Requests to work during a career break must be approved first.
- The contract of employment and entitlements remain in place during periods of paid special leave.
- Periods of unpaid special leave do not count towards benefits linked to length of service.
- If a request for paid or unpaid special leave is rejected, the employee will be given the reasons for the rejection and will have the right to appeal the decision.
- Before the leave is taken, suitable notice to return, depending on the type of leave taken, will be agreed by the employee and manager.
- After short periods of paid special leave, the employee will normally return to their substantive role.
- After a career break of less than one year, they are entitled to return to a role on the same grade, in the same location, and on the same hours, as per the [Redeployment](#) policy.
- After a career break of more than one year, there is no obligation to keep a specific post available, and the employee may be placed on the [Redeployment](#) register.

### Responsibilities

Managers have discretion to approve special leave and career breaks based on the needs of the business.

Senior HR Business Partners are responsible for managing redeployees within their directorate.

### Exceptions

It is not possible to request a career break during a probationary period, and it will be extended by the length of any special leave taken.

**Policy Owner** Head of HR Shared Services

**Next Review Date** December 2025

## References

[Redeployment](#) policy

[Family Friendly Leave](#) policy

[current PRP rules](#)

[returners programme](#)

# Special Leave and Career Break Policy

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## 1. Introduction

National Highways recognises, from time to time, employees will experience emergencies and this policy, which complies with the Employee Relations Act 1999, enables those who have a genuine domestic emergency to take time off work to deal with it.

We also recognise employees may want or need to take some time away from work for other personal reasons, or to fulfil personal or domestic commitments, and we are committed to retaining people wherever possible by providing ways to take paid or unpaid leave when they need to take time out of the business.

National Highways may therefore, at its discretion, approve a request to take a period of paid or unpaid special leave, or a career break, whilst balancing the needs of the business.

This policy can be used to identify the most appropriate way of meeting the needs of our employees with regards to leave, and in some cases, offer alternatives. The increased flexibility enables them to take leave when it is most needed, but unexpected.

Separate arrangements are in place for [Family Friendly Leave](#) (maternity, paternity, adoption, parental, shared parental), [Bereavement](#) leave, trade union and health and safety representatives duties (see [Employee Relations Framework](#)).

## 2. Who does this cover?

This policy applies to all employees who work for National Highways regardless of their pay band or grade, whether full or part time, fixed term contract or permanent. During probation it is not possible to request a career break, and the probation period will be extended by the amount of special leave taken.

## 3. Types of special leave

Absences which may be considered as paid special leave are set out in [appendix a](#).

Absences which may be considered as unpaid special leave are set out in [appendix b](#).

Absences which may be considered as official duty and do not require an application for special leave are set out in [appendix c](#).

The reasonable notice required depends on the leave type requested.

## **4. Career breaks**

A career break is a period of extended unpaid special leave, normally for up to 12 months in a 10-year period, and in exceptional circumstances for up to 5 years in a 10-year period.

Requests for up to 3 months can be approved by a manager, for more than 3 months it requires Divisional Director approval.

There is no contractual right to a career break, however they may be granted subject to business needs. They can be requested for either domestic purposes (e.g. caring responsibilities) and non-domestic purposes (e.g. to undertake further education or training, to do recognised voluntary work or to travel).

Where a period of longer than 5 years is required, the employee should resign, and may apply to be considered for future roles via the normal recruitment process.

An employee may apply for a career break immediately after a period of other special leave, where the combined period is no more than 5 years.

An application for a career break can be made using the application form in the [Special Leave and Career Breaks](#) folder on [HRZone](#). It constitutes a formal request to vary the employee's contract of employment, and the career break cannot start until the formal acceptance of the contract variation has been issued and returned to HR Shared Services by raising a [query](#) on HR Zone,

Once a career break has been approved, appropriate keeping in touch arrangements should be agreed between the employee and their manager before the leave is taken.

### **4.1 Working During a Career Break**

Requests to undertake paid or unpaid work outside of National Highways during a career break, where the employee is required to carry out a particular role or provide services to a third-party organisation under any type of arrangement should be referred to the appropriate Divisional Director and the Senior HR Business Partner, who will consider the request in accordance with the Working Outside of National Highways Procedure. Approval will normally only be given where the work is temporary or voluntary and does not conflict with the employee's substantive role or the interests of National Highways.

For example, undertaking temporary bar work or fruit picking whilst on a year out travelling may be permitted. However, taking up a paid role in a similar organisation or an organisation linked to National Highways (i.e. in the supply chain) will not, and in such cases the employee should resign and if they wish to return to National Highways employment may apply to be considered for future roles via the normal recruitment process.

## **5. Entitlements during special leave or a career break**

Continuous service and entitlements to benefits under an employee's contract of employment remain unchanged during paid special leave.

An employee taking unpaid special leave under this policy or a career break, will remain an employee of National Highways during the leave, but the period of absence will not normally count towards benefits linked to or calculated by reference to an employee's length of service. An exception to this is except unpaid leave granted for training in one of the reserve forces or for voluntary public service which does count.

For employees who are members of one of National Highways' defined benefit pension scheme (for example the Civil Service Pension Scheme) periods of unpaid leave may not be counted as reckonable service under the applicable scheme rules.

Absence for a career break may reduce a performance related payment (PRP payment) as per the [current PRP rules](#).

The amounts of leave in the table are per occasion, unless it specifies per year.

### **5.1 Leave and sickness**

Annual leave will continue to accrue during special leave or a career break of one month or less. It will not accrue for special leave or a career break that is more than one month, and the annual leave allowance for any part of the year worked will be pro-rated. Any accrued leave should be taken prior to the career break. Neither annual leave or sickness leave can be taken during a period of unpaid special leave or a career break.

The length of the career break or special leave will not count towards the rolling period for the calculation of entitlement to contractual sick pay because it is not counted as working time.

## 5.2 Public leave

Where a public holiday falls within a period of special leave or a career break, the employee will not be entitled to take an extra day in lieu, and where that special leave is unpaid, they will not be paid for it.

## 6. Applications

Applications for special leave or career breaks of up to 3 months must be submitted using the application form in [Special Leave and Career Breaks](#) to the manager, and where possible, giving at least one month's notice. It should include the purpose of the break, the proposed start and end date, and any relevant supporting information.

In exceptional circumstances (for example sudden bereavement or domestic distress) and where the manager has been informed of the reason as soon as possible, the application form may be completed on return to duty after an absence.

All decisions are made at the manager's discretion and requests should normally be granted unless there are reasonable grounds for rejection. When assessing the request, the manager should consider the reasons for the leave, business needs, and the employee's attendance and performance record. They may wish to discuss it with the countersigning manager, and they can contact HR Shared Service on 0300 4703000 for advice.

When agreed, the application should be submitted by the manager, to HR Shared Services on a [query](#).

Any requests for special leave or career breaks of more than 3 months should be made using the career break application form, giving a minimum of 3 months' notice, and require approval from the relevant Divisional Director.

When approved, the application should be submitted, by the manager, to HR Shared Services by raising a [query](#).

Where appropriate keeping in touch arrangements should be agreed between the employee and their manager before the leave is taken.

All applications for special leave will be considered in line with the Equality Act 2010 and further advice is available from HR Shared Services on 0300 470 3000.

## 7. Reasons for Rejection

If an application for special leave or a career break is not approved, the manager will confirm this in writing, including the reasons for rejecting it, for example:

- the period of absence requested
- performance and/or attendance record
- the number and length of any previous career breaks taken
- the needs of the business
- the need to retain skills, knowledge and experience
- the ability to cover the duties on a temporary basis

Copies of the application and a note confirming the reasons for the rejection should be sent by the manager to HR Shared Services, as a [query](#) on [HR Zone](#).

If an application is not approved, the employee may appeal the decision using the [standard appeals process](#).

## 8. Returning from special leave or a career break

A suitable notice period relevant to the period of special leave taken should be agreed with the manager prior to the leave being taken.

For periods of leave greater than a year (i.e. a career break) at least four months' written notice of return should be given and sent to HR Shared Services as a [query](#).

After a career break, the employee is entitled to return to a role in the same location in which they were working before their break, at the same grade and the same hours, in line with the redeployment policy. Employees may wish to return on another working pattern, and this can be considered in line with the [Flexible Working](#) policy.

Where the leave is for more than 12 months, there is no absolute obligation on management to keep a specific post open for the employee, although where it can conveniently be covered on a temporary basis, that should be explored.

Where the employee wishes to vary a previously agreed return date (by not more than 1 year), reasonable efforts will be made to accommodate the request, but it may be rejected where it is not possible.

National Highways also has a [returners programme](#) to support employees who have been on a career break for two years or more.

When confirmation of a return date is received, the Senior HR Business Partner will contact the manager to explore if the employee's former role is available. If it is not, they will support a redeployment process.

Advice and support (including appropriate training) will be available to the employee from their manager and Senior HR Business Partner, and whilst a suitable vacancy is sought, they may remain on unpaid leave for up to three months from the end of the career break.

Where a suitable post (in the same grade, location and hours as the one they left) has been offered and unreasonably refused, there will be no further extensions to the career break or unpaid leave.

On return from special leave or a career break, the employee will receive the salary applicable to the role they return to.

Anyone in a safety critical role who takes special leave or a career break of longer than 6 months must undergo an individual needs analysis to determine what training is required before they can return to the role.

## **9. Termination of the Employment Contract**

Employees who do not return to work by the agreed date will be taken through the appropriate process: [Managing Misconduct](#) procedure (for unauthorised absence or [Redeployment](#) where a suitable role is not available). Advice and support is available to both the manager and the employee from HR Shared Services on 0300 470 3000 or by sending them a [query](#).

Where there is a significant failure on behalf of the employee to meet the mutually agreed terms of the contract variation, they will be deemed to have failed to meet the agreed terms of the contract variation, which may result in the termination of the employment contract.

The employee will have the right to make representations before a final decision is made, and where the decision is to terminate the contract, they will be given contractual notice and have the right to appeal the decision using the [standard appeals process](#).

### **9.1 Redundancy whilst on unpaid special leave or a career break**

If a redundancy situation is declared covering the post that an employee left to take unpaid special leave or a career break, they will be included in that unit of redundancy and may be liable for compulsory redundancy. The employee will be contacted, and we will seek to consult appropriately as required by any formal consultation process.

## 10. Data protection and confidentiality

Any personal data collected during the application of this policy will be processed in accordance with our [Data Protection Policy](#) and [Staff Privacy Notice](#).

Our aim is to deal with all requests for special leave and career breaks sensitively and with due respect for the privacy of any individuals involved.

Data collected at any stage will be held securely and accessed by, and disclosed to, individuals only for the purposes of processing a request. Any inappropriate access or disclosure of employee data should be reported in accordance with the data protection policy immediately as this may constitute a data breach. It may also constitute a disciplinary offence, which will be dealt with under the [Managing Misconduct](#) procedure.

*The Special Leave and Career Break Policy is non-contractual and National Highways reserves the right to change it from time to time. We will discuss any changes with the TUS as required, to adhere to business or legislative requirements.*

## 11. Appendices

### Appendix a. Special leave with pay table:

Leave	Limits	Policy
Special domestic responsibilities	1 to 5 days	<p>The minimum requirement under the Employment Relations Act 1999 is to provide an employee with the right to take a reasonable amount of time off for dependants in the following circumstances:</p> <ul style="list-style-type: none"><li>• if a dependant falls ill, gives birth or is injured or assaulted</li><li>• to make arrangements for the provision of care for a dependant who is injured or ill</li><li>• in consequence of the death of a dependant</li><li>• to deal with an unexpected disruption or breakdown in care arrangements</li><li>• to deal with an unexpected incident involving an employee's child while they are at school.</li></ul> <p>In these circumstances a dependant is a partner, child or parent, or someone who lives in the same household other than</p>

		<p>tenant, lodger, boarder or employee. In the cases of illness, injury or where care arrangements have broken down, a dependant may also be someone who reasonably relies on the employee for assistance.</p> <p>The Employment Relations Act does not require such leave to be paid.</p> <p>However, <b>National Highways</b> offers paid leave which may be granted to deal with a range of circumstances where an employee is not able, at short notice, to make alternative arrangements and must spend time at home or with a relative, and where the taking of annual leave is not appropriate. These circumstances include:</p> <ul style="list-style-type: none"> <li>• taking care of or making arrangements for dealing with the illness or incapacity of a sick relative</li> <li>• medical appointments for children and other dependants</li> <li>• unforeseen breakdown in childcare or other care arrangements and where working from home is not possible/appropriate</li> <li>• unavoidable and severe damage or disruption to property, such as flooding or burglary</li> <li>• specific arrangements relating to foster care, e.g. meetings with police, social services, teachers etc</li> </ul> <p>In very exceptional circumstances a slightly longer period may be granted.</p>
Attendance in court as a witness	Period required by the court	Witness in criminal proceedings or coroners' court.
Bereavement leave	Up to 14 calendar days	See <a href="#">Bereavement</a>
Civil defence courses	Up to 15 days	Voluntary members of the UK Warning and Monitoring Organisation to attend home defence training courses, or who have been nominated by local authorities as Scientific Intelligence Officers.
Duke of Edinburgh's award	1 day	To enable participants to receive awards.

Specific rehabilitation training associated with disability	Up to 15 days	For example, to enable employees, who are registered blind, to attend guide dog training.
Disability Adjustment Leave	<p>Up to 1 day per session to attend treatment sessions (eg chemotherapy, physiotherapy, Cognitive Behavioural Therapy)</p> <p>From 1 to 3 days to recover following treatment/ changes to medication</p> <p>Up to 1 day per session to attend assessment/ training sessions (e.g. dyslexia assessment)</p> <p>Up to 1 day per appointment to attend a medical/ specialist appointment (e.g. hearing tests)</p>	<p>Disability Adjustment Leave (DAL) may be granted by managers to staff who have formally declared to National Highways that they have a disability that they consider to be covered under the Equality Act 2010 and who are fit for work but need time off because of their disability/ condition to. DAL can be approved as follows:</p> <ul style="list-style-type: none"> <li>• Single day sessions for treatment, recovery from treatment/changes to medication, assessments/training and medical/specialist appointments can be authorised by managers</li> <li>• HR can extend this by a further 2 days (to a total of 3)</li> <li>• HR may also award longer periods of DAL of up to 13 weeks while specific reasonable adjustments are being arranged to help to support disabled staff (e.g. provision of IT equipment or special furniture, longer periods of treatment/training).</li> </ul> <p>NB: DAL is not an alternative to sick leave and must not be used to cover periods of sickness absence. DAL is not available for employees to attend treatment/appointments when they are already absent due to sickness</p>
Smoking Cessation support	Up to 3 days per year	To enable employees to attend local 'stop smoking services', provided by the NHS
Investitures	Up to 3 days	<p>2 days to allow for travelling and a day for the ceremony, where the award is job related.</p> <p>You may also be able to claim travelling expenses and subsistence. See <a href="#">Finance - travel and meet pages</a></p>
Jury service	time required on jury service per year	You may claim travelling and subsistence expenses against the court but you must not claim or accept compensation for loss of earnings.
Volunteer reservist training	Up to 10 days per year	For the continuous mandatory period of training which usually lasts 16 consecutive days and is often referred to

		as the 'Annual Deployment Exercise' or 'annual camp'. There may be some variation between the Reserve Forces where mandatory training may be split over two or shorter periods. See also Reservists Policy in <a href="#">Special Leave and Career Breaks</a>
Cadet forces	Up to 10 days a year	Members, instructors or officers in the cadet force to attend camp or special instruction courses.
Sporting events	Various	Selection to the Olympics/Paralympics, Commonwealth or Invictus games, may also include travel time.
Voluntary public service:		
Magisterial duties	Up to 18 days per year	Plus reasonable travelling time to permit up to 26 attendances
Children's Panel	Up to 18 days per year	In Scotland
Local Govt work	Up to 18 days per year	Elected members of a local authority including Mayors in their mayoral year and chairman of councils. May be increased to 24 days for Lord Mayors
Nationally recognised voluntary or public bodies	Up to 6 days per year	Attendance at meetings or other essential business e.g. school governor, where it is in National Highways' interest to assist the work of such bodies or otherwise improve the employee experience
National voluntary youth organisations	Up to 5 days over 2 years	Attending training courses in youth leadership
Voluntary work within the community	Up to 3 days per year	Encouraging a closer working partnership between voluntary/community organisations and the public sector: see <a href="#">volunteering hub</a>

**b. Special leave without pay table:**

Leave	Limit	Policy
Accompanying a Partner	3 Years	If your partner's job is likely to be transferred to another area and you wish to transfer to the same area and want to remain a National Highways employee. National Highways will make every effort to find you a post at the same grade. It may be necessary to put you on a redeployment list in which case Special Leave without Pay may be approved.
Carers' Leave	1 week per year (taken in days, half	For caring for a spouse, civil partner, child, parent, someone living in the same household or a person who reasonably relies on the

	days, up to a block of one week)	employee for care, and who has a long-term care need (a physical or mental illness or injury, defined as a disability or issues related to old age.
School Holidays		(Detailed on the table above: Special leave with pay) of the right to take time off for dependants as laid out in the Employment Relations Act 1999). Parental leave may also be taken see <a href="#">Family Friendly Leave</a> .
Career break	Depending on circumstances, up to 5 years	See <a href="#">career breaks</a>
Witness in civil proceedings		You must apply for annual or special leave without pay. You may retain any compensation for loss of earnings or expenses paid by a court or a party in action.

**c. Absences which count as official duty and do not require an application for special leave:**

Official Duty	Policy
Royal Garden Party	if National Highways nominates you to attend a royal garden party, the attendance will be regarded as paid time off. (Applications for financial assistance to attend should be submitted to the Divisional Director. Any costs approved will be limited to standard class rail fare for you and up to three guests specified on the invitation, or motor mileage allowance at public transport rate. If you are nominated by another organisation and wish to attend, you will be required to take annual leave although subsistence may also be approved.
Attendance at court or another outside body, in an official capacity	Travelling time and any expenses incurred will be payable by National Highways. However, any sums received from the court or outside body must be passed to your local business support/management team
Time off to attend quarterly meetings for:	<ul style="list-style-type: none"> <li>- local committees of the civil service benevolent fund and the civil service retirement fellowship</li> <li>- departmental committees of the Beneden society</li> </ul>

	- regional councils and Regional executive committees of the civil service sports council.
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## Frequently Asked Questions

### 1. Can only one occasion of each type of special leave be granted per year?

This policy enables those who have a genuine domestic emergency to take a reasonable amount of time off work to deal with it, whenever it happens. Managers may grant special leave at their discretion, taking into consideration the employee's needs, the business needs and the special leave limits per occasion. For example, an employee may unfortunately have two bereavements in the same year and a manager may choose to grant special leave on both occasions. However, with some of the special leave reasons such as 'Magisterial duties' the table does stipulate that the limit is 'up to 18 days per year.' Further support is available from the HR advice line on **0300 470 3000** (click option 4 to speak to HR Advice).

### 2. Can an employee's contract be terminated during a career break?

Please refer to section 9 of the special leave and career break policy and seek further guidance by contacting the HR advice line on **0300 470 3000** (click option 4 to speak to HR Advice).

### 3. Can an employee work for another organisation whilst on a career break from NH?

Where an employee requests to carry out a particular role or provide services to a third-party organisation under any type of arrangement during a career break, it should be referred to the appropriate Divisional Director and the Senior HR Business Partner, who will consider the request in accordance with the Working Outside of National Highways Procedure. Please refer to section 4.1 of the special leave and career break policy.

### 4. Can an employee take more special leave than the limit specified in the special leave table?

The amount cannot be exceeded beyond that specified in the special leave table when entering the amount into PFP. In exceptional circumstances, managers may explore extending this with HR Shared Services.

### 5. Can an employee take extended unpaid special leave?

Extended unpaid special leave is classed as a career break. Career breaks are normally up to 12 months in a 10-year period and in exceptional circumstances for up to 5 years in a 10-year period.

## **6. What are the conditions for returning to work after a career break?**

The employee is entitled to return to a role in the same location in which they were working before their break, at the same grade and the same hours. They may wish to return on another working pattern, and this can be considered in line with the Flexible Working policy. There is no absolute obligation on management to keep a specific post open for the employee, although where it can conveniently be covered on a temporary basis, that should be explored.