



BBC Career Break Policy

Note: the Welsh translation of this Policy can be found below.

This policy applies to all employees at the BBC. It forms part of the contract of employment that applies to BBC employees in the UK on Grades 2-11, and is an agreed statement between the BBC and recognised joint unions which may only be varied by joint negotiation at the National Joint Council.

Definition

This policy details the provisions for employees to take a career break from the BBC.

Employees must have been continuously employed for at least one year to be able to apply for a career break.

Principles

- The BBC will give due consideration to all career break requests made under this policy but there is no automatic right to a career break.
- Employees may only make one career break request in any 12 month period.
- Employees should refer to their BBC Pension Scheme member's handbook or contact Pensions at myPension@bbc.co.uk for information as to how the career break will affect their pension.

Career Breaks

The BBC will aim to support employees who wish to take a break from their current job for work-life balance reasons, particularly to:

- meet caring responsibilities;
- pursue a course or full-time study;
- undertake an extended period of travelling;
- accompany a partner on an overseas assignment.

A career break is an agreed period of time away from the BBC. The BBC's Career Break Scheme is open to all employees who are engaged on a continuing contract and have completed one year's service.

The individual taking the career break resigns from their job and is not an employee for the period of the break.

There are two types of career Breaks in the BBC:

Category 'A' Career Break

The manager may agree a career break of 1 year or in exceptional circumstances up to 2 years. The individual will be re-engaged in the same job and on the same terms and conditions unless it is not reasonably practical. In these cases the employee is entitled to be offered a suitable alternative job.

Category 'B' Career Break

The manager may agree a career break of no more than 3 years. During this period the

individual can apply for internal vacancies. The individual has no offer of re-engagement.

Career breaks will not normally be granted for a period of less than 3 months. The employee will be informed of their category of reinstatement before commencing the career break.

On returning from the career break continuity of employment is preserved in respect of contractual rights and those BBC benefits that depend on continuity of service e.g. redundancy pay, although the period of the career break itself will not count towards continuous service. For BBC benefits that have a qualifying period or date (e.g. BBC Maternity/Adoption pay), the individual must have returned from their career break by the qualifying date and/or completed the qualifying period to be entitled to the benefit.

Individuals are required to notify their manager of any change to their circumstances that might be relevant to the career break arrangement and may request an extension to their career break. The manager will consider any requests in line with operational requirements and may need to change the category of reinstatement.

If an individual fails to return on the agreed date or breaks the terms of their career break, the career break will be deemed to have come to an end and the individual will have no right to return to the BBC under the terms of this policy.

If an individual has a live disciplinary sanction on record at the point of starting a career break, the sanction will be paused and resumed on the employees return to the BBC.

Career Breaks and Alternative Paid Work

Career breaks are not for the purpose of taking up alternative paid work.

Those on Category A career breaks are expressly prohibited from taking up any form of paid work of any nature, without having first obtained the written permission of their manager. Permission is likely to be granted where any proposed work is intended for a community or charitable purpose.

Those on a Category B career break are permitted to undertake alternative paid work only with the written permission of their manager.

For those on Category A or Category B career breaks permission will not be granted in *any circumstances* for an individual to work for the BBC including the World Service and/or the BBC's subsidiaries including BBC Worldwide Ltd and BBC Studios & Post Production Ltd in the United Kingdom or abroad in any capacity (including freelance and agency) whilst on a career break.

Career Breaks and Pensions

Employees should refer to their BBC Pension Scheme member's handbook, or contact Pensions the pension service line on 01 22811 (ext. 029 2032 2811) or at myPension@bbc.co.uk for information as to how a career break will affect their pension.

TUPE

Staff who are on a Category A career break, and whose substantive role is subject to a TUPE transfer whilst on career break, will retain a contractual right to return at the end of their career break to the same role or suitable alternative role in the company they would have been TUPE transferred to had they not been on career break. For the avoidance of



doubt, there will be no right to return to any role at the BBC. The BBC's recognised trade unions will take part in any TUPE information and consultation process on behalf of staff on career break in the same way an employee who is not on career break would be represented.

Staff who are on a Category B career breaks have no contractual right to return to a substantive role or suitable alternative. Therefore they cannot be affected by any TUPE transfer that takes place while they are on career break.

Procedure for Applying

To apply for a career break employees should complete a request via the **Career Break Application Form** and send it to their manager.

The manager should arrange a meeting with the employee, to discuss the request as soon as possible after the request has been received. If there is likely to be a delay in meeting, the manager should let the employee know. Where a request can be accepted without further discussion a meeting may not be required.

The employee has the right to be accompanied at meetings by an accredited trade union representative or a BBC colleague (other than a practising lawyer).

In considering the request and the associated business requirements employees must not be discriminated against on the basis of protected characteristics as detailed in the Equality Act 2010, e.g. religion, request to work flexibly to observe a religious festival.

If the employee fails to attend a meeting and a rearranged meeting without a reason, the manager may consider the application as withdrawn. The manager should however, give the employee an opportunity to present reasons for failing to attend the meetings and write to the employee with their decision.

The manager must notify the employee of the decision in writing following a meeting.

If a request is refused, the manager must give the following grounds for the decision and explain why these grounds apply. Grounds for refusal may include, but are not limited to:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing employees
- Inability to recruit additional employees
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during periods the employee proposes to work
- Planned structural changes

Right of Appeal

The employee has the right to appeal against the outcome of the request for a career break. All appeals will be conducted in accordance with the **BBC Appeals Policy**.

Polisi Seibiant Gyrfa'r BBC

Mae'r polisi hwn yn gymwys i'r holl gyflogeion yn y BBC. Mae'n rhan o'r contract cyflogaeth sy'n gymwys i gyflogeion y BBC yn y DU ar Raddau 2-11, ac mae'n ddatganiad y cytunwyd arno rhwng y BBC a'r undebau cydnabyddedig ar y cyd na ellir ei amrywio ond drwy negodi ar y cyd yn y Cyd-gyngor Cenedlaethol.

Diffiniad

Mae'r polisi hwn yn disgrifio'r darpariaethau ar gyfer cymryd seibiant gyrfa o'r BBC gan gyflogeion.

Rhaid i gyflogeion fod wedi'u cyflogi'n ddi-dor am o leiaf un flwyddyn er mwyn gallu gwneud cais am seibiant gyrfa.

Egwyddorion

- Bydd y BBC yn rhoi ystyriaeth ddyladwy i bob cais am seibiant gyrfa a wneir o dan y polisi hwn ond nid oes hawl awtomatig i gael seibiant gyrfa.
- Dim ond un cais am seibiant gyrfa y gall cyflogeion ei wneud mewn unrhyw gyfnod o 12 mis.
- Dylai cyflogeion edrych yn eu llawlyfr aelodaeth ar gyfer Cynllun Pensiwn y BBC neu gysylltu â'r tîm Pensiynau yn myPension@bbc.co.uk i gael gwybodaeth am y ffordd y bydd y seibiant gyrfa yn effeithio ar eu pensiwn.

Seibiannau Gyrfa

Bydd y BBC yn ceisio cefnogi cyflogeion sydd am gymryd seibiant o'u swydd bresennol am resymau sy'n ymwneud â'r cydbwysedd gwaith a bywyd, yn benodol er mwyn:

- cwrdd â chyfrifoldebau gofalu;
- dilyn cwrs neu astudio'n amser llawn;
- teithio am gyfnod estynedig;
- mynd gyda phartner ar aseiniad tramor.

Mae seibiant gyrfa'n gyfnod oddi wrth y BBC y cytunwyd arno. Mae Cynllun Seibiant Gyrfa'r BBC yn agored i'r holl gyflogeion sydd wedi'u cyflogi ar gontract parhaus ac sydd wedi cwblhau un flwyddyn o wasanaeth.

Bydd yr unigolyn sy'n cymryd y seibiant gyrfa yn ymddiswyddo ac ni fydd yn gyflogai dros gyfnod y seibiant.

Mae dau fath o Seibiant Gyrfa yn y BBC:

Seibiant Gyrfa Categori 'A'

Gall y rheolwr gytuno ar seibiant gyrfa o 1 flwyddyn neu mewn amgylchiadau eithriadol hyd at 2 flynedd. Bydd yr unigolyn yn cael ei ailgyflogi yn yr un swydd ac ar yr un telerau ac amodau oni bai nad yw hynny'n rhesymol ymarferol. Mewn achosion o'r fath, bydd hawl gan y cyflogai i gael cynnig o swydd addas arall.

Seibiant Gyrfa Categori 'B'

Gall y rheolwr gytuno ar seibiant gyrfa o ddim mwy na 3 blynedd. Yn ystod y cyfnod hwn, gall yr unigolyn wneud cais am swyddi gwag mewnol. Ni fydd cynnig i ailgyflogi'r unigolyn.

Fel arfer ni roddir seibiant gyrfa am gyfnod o lai na 3 mis. Bydd y cyflogai'n cael ei hysbysu am ei gategori ailbenodi cyn cychwyn y seibiant gyrfa.

Ar ôl dychwelyd o'r seibiant gyrfa, bydd y parhad mewn cyflogaeth wedi'i gadw mewn cysylltiad â hawliau cytundebol a'r buddion hynny a roddir gan y BBC sy'n dibynnu ar barhad mewn gwasanaeth e.e. tâl dileu swydd, er na fydd cyfnod y seibiant gyrfa ei hun yn cyfrif at wasanaeth di-dor. Yn achos buddion y BBC sydd â chyfnod neu ddyddiad cymhwys (e.e. tâl Mamolaeth/Mabwysiadu'r BBC), rhaid i'r unigolyn fod wedi dychwelyd o'i seibiant gyrfa erbyn y dyddiad cymhwys a/neu fod wedi cwblhau'r cyfnod cymhwys i fod â hawl i dderbyn y budd.

Mae'n ofynnol i unigolion hysbysu eu rheolwr am unrhyw newid yn eu hamgylchiadau a all fod yn berthnasol i drefniant y seibiant gyrfa a gallant wneud cais am ymestyn eu seibiant gyrfa. Bydd y rheolwr yn ystyried unrhyw geisiadau yn unol ag anghenion gweithredol ac mae'n bosibl y bydd angen iddo newid y categori ailbenodi.

Os bydd unigolyn yn methu â dychwelyd ar y dyddiad a gytunwyd neu'n torri telerau ei seibiant gyrfa, ystyrir bod y seibiant gyrfa wedi dod i ben ac ni fydd hawl gan yr unigolyn i dychwelyd i'r BBC o dan delerau'r polisi hwn.

Os oes gan unigolyn sanctsiwn disgyblu byw wedi ei gofnodi ar fan cychwyn ei seibiant gyrfa, mi fydd y sanctsiwn yn cael ei rewi a'i ail-ddechrau pan fydd y gweithiwr yn dychwelyd i'r BBC.

Seibiannau Gyrfa a Gwaith Arall â Thâl

Ni chymerir seibiannau gyrfa er mwyn ymgymryd â gwaith arall â thâl.

Mae'r rheini sydd ar seibiant gyrfa Categori A wedi'u gwahardd yn benodol rhag ymgymryd ag unrhyw fath o waith â thâl, heb gael caniatâd ysgrifenedig yn gyntaf gan eu rheolwr. Mae'n debygol y rhoddir caniatâd os yw'r gwaith arfaethedig at ddibenion cymunedol neu elusennol.

Mae'r rheini sydd ar seibiant gyrfa Categori B yn cael ymgymryd â gwaith arall â thâl dim ond ar ôl cael caniatâd ysgrifenedig gan eu rheolwr.

Yn achos y rheini sydd ar seibiant gyrfa Categori A neu Categori B, ni roddir caniatâd o *dan unrhyw amgylchiad* i'r unigolyn weithio i'r BBC gan gynnwys y Gwasanaeth Byd a/neu is-gwmnïau'r BBC gan gynnwys BBC Worldwide Cyf a BBC Studios & Post Production Cyf yn y Deyrnas Unedig neu mewn gwlad dramor mewn unrhyw gymhwyster (gan gynnwys gwaith llawrydd neu asiantaeth) tra bydd ar seibiant gyrfa.

Seibiannau Gyrfa a Phensiynau

Dylai cyflogeion edrych yn eu llawlyfr aelodaeth ar gyfer Cynllun Pensiwn y BBC neu gysylltu â'r gwasanaeth Pensiynau ar 01 22811 (est. 029 2032 2811) neu yn myPension@bbc.co.uk i gael gwybodaeth am y ffordd y bydd seibiant gyrfa yn effeithio ar eu pensiwn.

Gweithdrefn Ymgeisio

Er mwyn gwneud cais am seibiant gyrfa, dylai cyflogeion lenwi'r *Ffurflen Gais Seibiant Gyrfa* a'i hanfon at eu rheolwr.

Dylai'r rheolwr drefnu cyfarfod â'r cyflogai i drafod y cais cyn gynted â phosibl ar ôl cael y cais. Os yw'n debygol y bydd oedi cyn cyfarfod, dylai'r rheolwr roi gwybod am hynny i'r cyflogai. Os gellir derbyn cais heb drafodaeth bellach, mae'n bosibl na fydd angen trefnu cyfarfod.

Mae hawl gan y cyflogai i ddod â chynrychiolydd undeb llafur sydd wedi'i achredu neu un o'i gydweithwyr yn y BBC (heblaw un sy'n gyfreithiwr wrth ei waith) i gyfarfodydd.

Wrth ystyried y cais a'r anghenion busnes cysylltiedig, rhaid peidio â gwahaniaethu yn erbyn cyflogeion ar sail nodweddion gwarchoddedig sydd wedi'u nodi yn Neddf Cydraddoldeb 2010, e.e. crefydd, cais i weithio'n hyblyg er mwyn cadw gŵyl grefyddol.

Os bydd y cyflogai'n methu â dod i gyfarfod neu gyfarfod a ail-drefnwyd heb reswm, caiff y rheolwr ystyried bod y cais wedi'i dynnu'n ôl. Fodd bynnag, dylai'r rheolwr roi cyfle i'r cyflogai gyflwyno rhesymau dros fethu â dod i'r cyfarfodydd ac ysgrifennu at y cyflogai i roi gwybod am ei benderfyniad.

Rhaid i'r rheolwr hysbysu'r cyflogai am y penderfyniad mewn ysgrifen ar ôl cyfarfod.

Os gwrthodir cais, rhaid i'r rheolwr roi'r seiliau canlynol i'r penderfyniad ac egluro pam y mae'r seiliau hyn yn gymwys yn yr amgylchiadau. Gall y seiliau i wrthod gynnwys y canlynol, ymysg eraill:

- Baich y costau ychwanegol
- Effaith niweidiol ar y gallu i ateb y galw gan gwsmeriaid
- Anallu i ad-drefnu gwaith ymysg y cyflogeion presennol
- Anallu i recriwtio cyflogeion ychwanegol
- Effaith niweidiol ar ansawdd
- Effaith niweidiol ar berfformiad
- Dim digon o waith yn ystod y cyfnodau y mae'r cyflogai'n cynnig gweithio
- Newidiadau strwythurol arfaethedig

Hawl i Apelio

Mae gan y cyflogai hawl i apelio yn erbyn y canlyniad i gais am seibiant gyrfa. Bydd pob apêl yn cael ei chynnal yn unol â *Pholisi Apeliadau'r BBC*.