

ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

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Dear Colleague

**AJNCT/32
PROCEDURES FOR MANAGING SICKNESS ABSENCE FOR TEACHERS AND ASSOCIATED
EDUCATION PROFESSIONALS**

Following the establishment of Angus Council sickness absence policy, the AJNCT undertook further work to ensure coherence between local requirements for teachers with SNCT terms and conditions.

This agreement was approved by the Angus Joint Negotiating Committee for Teachers at its meeting on 28 September 2016, and subsequently ratified by the Staffing Sub-Committee on 8 November 2016.

Yours sincerely

**PAULINE STEPHEN
JOHN PRATTI**

Joint Secretaries

Enc:

cc: Chief Executive
Strategic Director – Children and Learning
Strategic Director of Resources
Head of HR, IT and Organisational Development

PROCEDURES FOR MANAGING SICKNESS ABSENCE FOR TEACHERS AND ASSOCIATED PROFESSIONALS

Introduction

The aim of the Sickness Absence Procedure is to reduce sickness absence levels within the council through the management of sickness absence to ensure it is applied in a manner which is consistent and equitable throughout the council and to ensure that employees are treated sympathetically and fairly.

The council has adopted this procedure because it does not consider that the management of sickness absence should be dealt with under the Disciplinary Procedure.

In adopting this procedure the council recognises that any information gained concerning the medical condition of an employee will be regarded as confidential.

The council also recognises that in addition to this formal procedure it is good management practice to maintain contact with an employee during a period of absence and to conduct a return to work interview with an employee upon that employee's return to work after sickness absence.

Scope

This procedure applies to all teachers (including promoted staff, visiting, additional support needs, education psychologists and associated teaching professionals, including music instructors) employed under the Scottish Negotiating Committee for Teachers Conditions of Service.

Notification and Certification Requirements

For each occasion of sickness absence teaching and associated staff must fulfil the notification and certification requirements as set out in the SNCT Conditions of Service:

These are:

1. On the first day of absence due to illness the teacher and associated staff, or someone acting on their behalf if the teacher and associated staff is unable to do this due to illness, shall speak to the school or manager as soon as possible and in line with school arrangements. They should indicate if possible the date of return to work. Absences of up to 3 days do not require self-certification. Schools must complete and return to Payroll Section, Angus House, the Leave of Absence Form recording the sickness absence from the first day of sickness. The Leave of Absence Form should be authorised by the head teacher or nominated depute.
2. On the fourth day the teacher and associated staff shall speak to the school or manager to advise them of their continuing absence and indicate the date of return to work, if possible. Absences of 4-7 days (including weekends and non-working days) require self-certification.

- Where the absence extends beyond 7 days (including weekends and non-working days) the teacher and associated staff will submit a statement of fitness for work from their GP to the school to cover absence beyond the 7 days. Where the same absence extends beyond the date on the statement of fitness for work, further statements should be submitted timeously. In addition the teacher must complete and return a self-certification form to cover the first 7 days of absence.

A teacher must fulfil all of the notification and certification requirements to be entitled to sickness allowance.

Sickness Allowance Entitlements

Refer to SNCT Handbook Conditions of Service Part 2, Section 6 for qualifying service, entitlements and calculation of sickness allowance.

A teacher and associated staff absent from work due to sickness or injury will receive in any period of 12 months sickness allowance, as set out below:

Service	Full salary for period of	Half salary for period of
Less than 18 weeks	Nil	Nil
18 weeks but less than 1 year	1 month	1 month
1 year but less than 2 years	2 months	2 months
2 years but less than 3 years	4 months	4 months
3 years but less than 5 years	5 months	5 months
5 years or more	6 months	6 months

*Teachers and associated staff with less than 18 weeks qualifying service may be entitled to Statutory Sick Pay.

Entitlement to sickness allowance is based on continuous service with employers listed in the Redundancy Payments (Local Government) (Modification) Order 1990.

Return to Work Discussion

A return to work discussion must take place with a teacher and associated staff after every occasion of absence on their return to work or as soon as possible thereafter and in line with school arrangements. This is to confirm the teacher and associated staff is fit to return to work. It can be used to reinforce notification and certification and ensure paperwork is completed. Particular attention should be given where the absence is a stress-related absence.

Refer to the [Guidance for Managers- Return to Work Discussion/Return to Work Discussion following a Stress Related Absence](#) for further advice.

Procedure

- The sickness absence record of all employees will be monitored and assessed on a continuous basis by their head teacher(or their nominated deputy)/designated officer/ manager.
- An employee can be contacted and may be invited to a sickness absence interview at any time to discuss their absence record:

- i) in particular if the employee has been absent on three or more separate occasions or for a total of six working days over a twelve month period. The decision on whether or not to interview will be made following an initial assessment of the absence record by the manager, after discussion with HR, if necessary.
 - ii) if the employee is about to go on half pay or no pay in accordance with their sickness allowance entitlement they will be asked to attend a sickness absence interview as a matter of course.
3. The initial assessment will determine whether the absence record can be classified under one of two categories – **persistent short term absences** or **long term absences (four weeks)**. Paragraphs 4-6 below outline general guidelines to be followed for each category.

In operating these general guidelines it should be noted:

- i) each employee will be treated in accordance with their own individual circumstances which may require a variation from these guidelines.
- ii) an employee may be accompanied by a work colleague or a representative of a trade union recognised by the council during an interview.
- iii) following the completion of each interview a letter will be issued to the employee within 20 working days summarising the outcome of that interview.
- iv) an employee referred to the council medical adviser, will be asked to sign a consent form by them to enable the employees own doctor to provide a report to the council medical adviser.
- v) a failure to attend an interview and/or agree to be referred to a council Medical Adviser may result in suspension of entitlement to sickness allowance and disciplinary action being taken against the employee.
- vi) a representative from HR will be present at any interview which may lead to dismissal and may be present at any other interview should this be considered necessary.

Persistent Short Term Absence

4. Where an initial assessment highlights **persistent short term absence** the employee's head teacher (or their nominated depute)/designated officer/manager will conduct the first stage sickness absence interview. Refer to [Managing Sickness Absence](#) under Employee Matters. The interview will aim to:
- i) establish any underlying trends, the frequency of and reason(s) for absence and may result in
 - ii) the employee being informed that the absence record is reducing the effectiveness of the service and causing operational difficulties and cannot be allowed to continue at its current level
 - iii) the employee being provided the opportunity to improve their absence record over a reasonable period of time during which the record will be monitored i.e. six months

- iv) the employee being advised of what course of action may follow if the improvement sought is not achieved.

Based on any information which may arise during the interview the employee may be referred to the council medical adviser to determine whether there is an underlying medical condition.

Following receipt of the medical adviser's report a further interview will be arranged to discuss the report and any implications. Should there be an underlying condition refer to paragraph 6 iii.

- 5. Should the absence record not improve to a satisfactory level within the agreed monitoring period a second interview will be arranged. This interview will follow the same format as the first interview and may result in:
 - i) the employee being granted a further monitoring period which may be a final period for the absence record to improve to a satisfactory level and being advised that if no such improvement is forthcoming dismissal will be considered.
 - ii) the employee's dismissal – the employees will have the right of appeal against such a decision.

Prior to any decision to dismiss, consideration will be given, if it has not already occurred earlier within the procedure, to refer the employee to a council Medical Adviser to determine whether there is an underlying medical reason for the absence record and that the dismissing manager has the authority to dismiss.

Long Term Absence (four weeks)

- 1 Where the initial assessment highlights **long term absence (four weeks)** the interview will aim to:
 - i) seek to establish/confirm the reason(s) for absence and its likely duration, and may result in
 - ii) the employee being informed
 - a. that such absence is reducing the effectiveness of the service and causing operational difficulties and cannot be allowed to continue at its current level
 - b. of the council's responsibility to ensure the employee is capable of doing their job and/or that the work is not detrimental to their health
 - iii) referral of the employee to a council medical adviser in order to establish the likely length of absence and the long term effect on capability in relation to job performance and attendance at work. Following receipt of the medical adviser's report the interview will be reconvened and may result in:

- a. consideration of a phased return to work
- b. consideration of seeking alternative employment
- c. consideration to changes to the job/working environment
- d. ill health retiral
- e. dismissal – the employee will have the right of appeal against such a decision
- f. deferral of a decision for a period of time following the expiry of which and where the absence record does not show significant improvement or the employee is still unable to return to work, one of the courses of action outlined in a-e above would be followed.

Accrual of Annual/Compensatory Leave During a Period of Sickness Absence

Refer to SNCT Conditions of Service, Part 2, Section 6, JS/10/20 and SNCT Circular 14/45.

1. Where a teacher and associated staff has been absent from work due to sickness for a continuous period of 8 consecutive days or more, compensatory leave will accrue. This is 2 days for every 5 days of designated annual leave which cannot be taken. A maximum of 8 days can accrue in any one leave year.
2. The accrued or compensatory leave should be taken by the teacher and associated staff following his/her return to work and is subject to the overriding needs of the service. The leave should normally be taken in the term the teacher and associated staff returns to work or within the following term.
3. Where a teacher and associated staff, due to certified absence, has not taken, or will not be able to take the statutory leave entitlement of 28 days, they will be provided with this as a minimum and the balance of days not taken will be carried forward into the following leave year. This is pro rata for part time teachers and associated staff and those employed for part of a leave year. Compensatory leave is not accrued in addition to statutory leave.
4. Accrued leave can be taken either following the teacher's and associated staff's return to work or during the period of sickness absence. The timing of taking the leave will take account of the needs of the service and is normally taken in the term in which the teacher and associated staff returns to work or within the following term.
5. Accrued leave, in full or in part, can be taken during the period of sickness absence and will be paid at normal pay for each day and will not count towards entitlement period of payment of sickness allowance.
6. The teacher and associated staff shall be notified in writing of their entitlement.
7. In agreement with their manager a teacher and associated staff will normally take leave in the following circumstances:
 - i) after their return to work, in the term they return or, at the latest, by the end of the following term,
 - ii) immediately following the period of their absence and before they physically return to work,
 - iii) as part of a phased return to work,
 - iv) during the period of sickness absence.

For all quality improvement, educational psychologists and education support employees

8. Where sickness absence coincides with annual leave, the day/s shall be classed as sick leave when the self-certificate or statement of fitness for work is submitted.
9. If sickness absence exceeds 3 months during a leave year, the minimum statutory entitlement of 28 days must be given and the full entitlement to leave for that leave year may be reduced proportionally to the period of time actually working in that leave year (but not below 28 days).
10. Any statutory leave not taken within the leave year owing to sickness absence must be provided. This is pro rata for part time employees and those employed for part of a leave year.
11. Accrued leave can be taken either following the teacher's and associated staff's return to work or during the period of sickness absence. The timing of taking the leave will take account of the needs of the service and is normally taken as soon as possible following the return to work.
12. Accrued leave, in full or in part, can be taken during the period of sickness absence and will be paid at normal pay for each day and will not count towards entitlement period of payment of sickness allowance.
13. The teacher and associated staff shall be notified in writing of their entitlement.

Should you have any questions or wish clarification on the content of this agreement please contact Human Resources.