



Working Together

SICK LEAVE AND
ATTENDANCE PROCEDURE

WEDNESDAY 1ST
DECEMBER 2021

ABSENCE DUE TO ILLNESS

The scheme applies to **permanent teachers, temporary teachers** who are paid as though they are employed **in a permanent capacity**, and **part-time teachers** appointed for a period of twelve months or more and **paid on a pro-rata basis**.

A teacher absent owing to illness shall be entitled to receive salary in any period of one year, **commencing on 1st April and ending on 31st March of the following year**,

A teacher, who is absent due to illness on 31st March and who continues to be absent after that date, will have that period treated as being part of the previous year's entitlement of sick leave. The entitlement of sick leave in respect of the current year will commence on the date on which the teacher resumes duty.

ABSENCE DUE TO ILLNESS

A teacher who is ill prior to school vacation and continues to be ill during the holiday period, shall be paid at the **rate applicable on the last working day before the vacation and the vacation period is not counted against the teacher's entitlement to paid sick leave.**

If the teacher has exhausted entitlement to sick leave at either full or half-salary rate, there shall be no entitlement to salary.

A teacher who has been ill immediately preceding a vacation period, and has ceased to be entitled to salary at the full rate or half-rate, and who recovers from illness during the vacation period, shall be regarded as having returned to duty on the days/he is certified medically fit to do so by means of a medical certificate obtained for that purpose, and **salary at the full rate shall be paid to him/her from that date provided s/he actually resumes duty on the first day after the said vacation period.**

SICK PAY

Service	Full Salary Rate	Half Salary Rate
During 1st year service)	25 working days	50 working days (after four months
During 2nd year	50 working days	50 working days
During 3rd year	75 working days	75 working days
During 4th and successive year	100 working days	100 working days

STATUTORY SICK PAY

Most teachers in employment are entitled to receive Statutory Sick Pay (SSP), during the first 28 weeks of illness in a period of three years.

Payment of SSP replaces entitlement to social security Incapacity Benefit and SSP is liable to deductions in respect of Income Tax and National Insurance contributions.

Incapacity Benefits: Payable to teachers absent through illness who satisfy the national insurance contributions conditions and **are not entitled to, or have exhausted entitlement to, Statutory Sick Pay.**

SSP1

Issued by the Department of Education is a teacher who is absent due to illness and is not entitled to SSP. This should be completed and returned **immediately.**

Industrial Injury: Where a teacher is absent from duty to an accident at work or industrial disease, the procedures to be followed are the same as to absences due to illness. In addition, the teacher should apply to the Department of Health and Social Services to have the injury/disease declared as an industrial injury/disease. Forms B1 100 and B1 103 are obtainable from any Social Security office.

NOTIFICATION OF ABSENCE

Where illness prevents a teacher from attending school, he/she must:

Notify the Principal by phone on the first day of absence and indicate the nature of the illness and the possible duration.

Keep the principal informed;

1 to 7 calendar days: self certification form

More than 7 days: sick line from the doctor

Subsequent sick lines until return to school

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ATTENDANCE PROCEDURE



AIMS

To promote a supportive approach to teacher health and welfare.

To ensure that teachers are treated fairly, consistently and sensitively when ill.

To maximise teacher attendance.

To raise awareness of welfare support services.

To ensure confidentiality of information and facilitate a consistent approach to teacher attendance in schools.

To inform teachers and Governors of the policy for managing teacher attendance.

DISABILITY

Under the Disability Discrimination Act (DDA), it is unlawful for Governors/Employing Authority to discriminate against disabled people, in all aspects of employment.

The DDA requires Governors/Employing Authority to consider the provision of 'Reasonable Adjustments' at school.

The aim of these adjustments is to ensure that a teacher is not put at a substantial disadvantage by employment arrangements or any physical feature of the school.

Governors are required to ensure that they have fully considered the issue of disability when dealing with any matters relating to a teacher's health and well-being.

WORK RELATED STRESS



A major cause of occupational ill-health that may cause sickness absence, high turnover and poor performance in school.



The Employing Authority should be approached for advice and guidance in cases where there is a possibility that occupational factors may be impacting on a teacher's health.



Occupational Health Referral

MANAGING TEACHER ATTENDANCE ROLES AND RESPONSIBILITIES



Governors

Principal

Employing
Authority

Teachers

ROLES AND RESPONSIBILITIES: GOVERNORS

Ensure welfare and attendance issues are a regular agenda item.

Monitor implementation through Principal reports to promote teacher well-being and manage teacher attendance.

Nominate a designated governor responsible for health, welfare and attendance.

Ensure appropriate action is taken in medical referrals to Occupational Health.

Ensure the Principal is effectively managing attendance of all teachers in the school.

ROLES AND RESPONSIBILITIES: PRINCIPALS

Monitor and manage the sickness absence of teachers in a fair, consistent and confidential manner and to report regularly to Governors

Ensure that teachers are informed of this procedure

Seek advice from Employing Authority where medical evidence indicates a notifiable

illness, work related ill health or disability which may require welfare support

Maintain appropriate, supportive contact with teachers on sickness absence.

Initiate requests where necessary, (to Employing Authority), for referrals to Occupational Health and liaise with teachers, as appropriate.

Carry out, where appropriate, attendance meetings and keep records.

Support, as far as practicable, a rehabilitation programme recommended by Occupational Health.

Implement any reasonable adjustment required by a teacher's disability.

ROLES AND RESPONSIBILITIES: EMPLOYING AUTHORITY

Provide available information and advice to Principals.

Advise and support governors and Principals in managing teacher welfare and attendance.

Facilitate the medical referral process.

Advise Principals on rehabilitation; risk assessments and reasonable adjustments.

Initiate requests where necessary, (to Employing Authority), for referrals to Occupational Health and liaise with teachers, as appropriate.

Promote the implementation of the Policy.

Ensure governors and Principals are trained on the procedure

ROLES AND RESPONSIBILITIES: TEACHERS

Report all sickness absence in accordance with the procedure.

Maintain contact with the Principal during any period of absence.

Comply with attendance arrangements at medical referrals.

Follow professional advice aimed at ensuring a timely return to school.

Maintain appropriate standards of conduct during sickness absence.

Advise the Principal of any appropriate matter impacting on their health and wellbeing at home or school that may impact on their welfare.

Inform the Principal where an absence is due to an accident outside school and a claim for damages from a third party is or will be involved.

MONITORING TEACHER ATTENDANCE

(a)

Absences related to stress.

(b)

Absences of more than 6 casual days in a 12 month rolling period.

(c)

Continuous absences of 4 weeks or more.

PROCEDURE

Contact during absence

The teacher shall maintain contact with the Principal during a period of sickness absence. This should usually be when a medical statement is submitted or, monthly, during long term absence.

Return to work

It is the responsibility of the teacher to report to the Principal as early as possible on the first day of his/her return to work and provide a brief explanation of the reason for his/her absence. This is informal in nature and provides the opportunity for the Principal to welcome the teacher back and discuss any support, or further action, which may be required.

Attendance meetings

If a teacher's absence level or pattern presents a concern the Principal shall arrange a formal attendance meeting. Circumstances presenting a concern should normally include those absences identified at 3.1 (a), (b) and (c) on the previous slide.

ATTENDANCE MEETINGS

The teacher should be asked, in writing, to attend the meeting and advised that they may be accompanied by a recognised trade union representative or teaching colleague.

The purpose of the Attendance Meeting is to determine and discuss the reasons for the absence level or pattern. It is not a disciplinary meeting.

To establish the current health status of the teacher and whether there is an underlying cause for absence such as difficulty at work, a more serious health condition or a personal or domestic problem.

- To consider the need for a reasonable adjustment in the case of disability.
- To consider if a medical referral is required if this has not been established.
- To consult and agree on actions arising from the report of a medical physician.
 - To advise of the availability of the Staff Care Scheme.
 - To confirm the accuracy of the teacher's attendance and provide the teacher with a copy.
 - To encourage improved attendance; establish the improvement level required; the monitoring review period and the consequences of a continuing unsatisfactory level of attendance.

ATTENDANCE MEETINGS

Following this meeting, a note of the meeting should be prepared and forwarded to the teacher for their agreement.

This should be a brief and factual report of the meeting, noting any action proposed including, for example, the introduction of reasonable adjustments, risk assessments, continuing monitoring, medical referral, potential movement to disciplinary action if attendance does not improve.

The Employing Authority may be contacted for advice on any proposed course of action.

The Principal and Chair of Governors shall treat all information relating to staff absence with sensitivity and confidentiality.

NB Teachers have the right to be accompanied to Attendance meetings.
Ref: Webinar on Right to be accompanied.

A follow-up meeting shall be arranged at this attendance meeting.

DIFFERENT TYPES OF ATTENDANCE

Short Term Absence

These matters can normally be dealt with during the informal return to work discussions however, in situations where the frequency of absences gives cause for concern, the Principal may wish to conduct an Attendance Meeting.

Persistent Intermittent Absence

The management of this type of absence requires sensitive judgement and Principals and governors should be aware of the Disability Discrimination Act and the need to make reasonable adjustments. Attendance meetings should be conducted and medical information obtained where:

- (i) It is medically established that a teacher is not suffering from any significantly debilitating illness, and
- (ii) Management intervention has failed to achieve improved attendance;
- (iii) the relevant procedure may be invoked.

Long Term Absence

When a teacher has been absent for 4 weeks continuously, there is no indication of an imminent return to teaching, and the Principal has a concern, the situation should be assessed in consultation with the Employing Authority. Each case will be dealt with sympathetically. While early referral to Occupational Health may be a factor in the effective management of long-term absence, consideration should be given to the timing of the referral, based on the nature of the illness.

MEDICAL INFORMATION

- The teacher may be asked to give his/her written consent for his/her Doctor to be approached for a medical report; and/or
- A referral may be made to the Employing Authority's Occupational Health Physician or Specialist.

A teacher may be referred to an Occupational Health Physician in the following circumstances (This list is not exhaustive):

- There is concern about a teacher's health and wellbeing.
- Absence gives the Principal cause for concern.
- A teacher has been on prolonged sickness absence and wishes to return on a temporary/permanent alternative working pattern, for medical reasons.
- Where the Principal has been notified that the teacher is disabled or suffering from a disability.
- Absences lasting three months or more due to a psychiatric disorder (DE Circular 2005/13 refers).

OCCUPATIONAL HEALTH (OH) ASSESSMENTS

- It is the responsibility of the Principal to initiate a request to the Employing Authority for a referral to an Occupational Health Physician.
- The **Principal should** discuss this with the member of staff and **inform him/her of the request for medical referral.**
- A teacher shall attend a medical assessment by an Occupational Health Physician, if directed by the Principal.
- **Failure to attend without reasonable cause will result in the costs associated with the referral being the responsibility of the teacher and may result in the withholding of sick pay and/or disciplinary action.**
- On receipt of the report of the Occupational Health Physician the Employing Authority will notify the teacher and the Principal of the outcome of the medical assessment and provide the teacher with a copy of the report, if requested, subject to medical advice.
(Teachers are entitled to a copy of the report from OH before it is sent to the employer under GDPR)
- The Principal will be advised of the teacher's fitness for work, or otherwise, including, where appropriate, any **recommended action.**
- It is the responsibility of the Board of Governors to meet any costs incurred in obtaining medical opinions.
- **All information acquired by Boards of Governors and the Employing Authority on teacher health matters should be treated with sensitivity and access restricted to the relevant decision bodies.**

RETURN TO WORK

- Adequate notification must be given to the Principal in advance of the date of return to teaching, so that arrangements for cover can be discontinued.
- If the absence has been of 4 weeks or more duration, one week's notice of intention to return to work must be given to the Principal.
- Where the original doctor's statement covers a period exceeding 14 days, or where more than one statement is required, the teacher must, prior to the actual return to work, obtain and submit a final medical statement certifying fitness to resume full duties.

Phased Return

- In circumstances where a recommendation is made by the Occupational Health Physician that a phased return to work would assist a teacher, this should, where possible, be facilitated by the Principal, in line with the needs of the school.
- The time span of the phased return to work should normally be based on occupational health advice and will be reviewed regularly.
- Such arrangements shall normally not last for more than four weeks.
- Normal salary will be paid during a phased return to school.

ANY
QUESTIONS?





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THANK YOU