

TEACHERS' SICK PAY AND SICK LEAVE ENTITLEMENTS

This NUT guidance aims to set out, as clearly and simply as possible, the main aspects of the teachers' sick pay and sick leave scheme.

INTRODUCTION

The NUT receives many queries from members who are absent from work due to illness and who are unsure of their entitlement to sick leave and sick pay. In particular, the introduction recently of sickness monitoring procedures and of commercial insurance schemes for covering teacher absence has made teachers unsure of their contractual entitlement in relation to sick pay and sick leave.

THE BURGUNDY BOOK

Teachers' national sick leave and sick pay entitlements are set out in the Burgundy Book national agreement on conditions of service. This agreement is negotiated between the teacher unions and the local authority employers.

The vast majority of LEAs follow the terms of the Burgundy Book scheme which is incorporated into their teachers' contracts of employment. In some LEAs, local agreements improve upon the Burgundy Book scheme. A very few foundation and voluntary aided schools may not follow the Burgundy Book agreement. NUT members should be made aware by their employers of any variations to the Burgundy Book provisions. Any member who is in doubt should contact their NUT division or association secretary; or their NUT regional office or in Wales, the NUT Cymru office.

ENTITLEMENTS TO SICK LEAVE AND SICK PAY

Teachers' national sick pay entitlements, set out in the Burgundy Book, give a sliding scale entitlement according to length of service, as follows:

During the first year of service:	Full pay for 25 working days and, after completing four calendar months' service, half pay for 75 working days.
During the second year of service:	Full pay for 50 working days and half pay for 50 working days.
During the third year of service:	Full pay for 75 working days and half pay for 75 working days.
During the fourth and successive years:	Full pay for 100 working days and half pay for 100 working days.

It should be noted that the Burgundy Book scheme operates on the basis of working days. It is only those working days for which the teacher is absent which count

against the above sliding scale entitlements. Holidays and weekends do not count against these entitlements.

It should also be noted that this sick leave sliding scale is regarded as a minimum and that LEAs have the discretion to extend it in any individual case.

For part-time teachers, this sliding scale of entitlements applies on a pro rata basis. So, for example, a teacher who works three days a week, and is in his/her fourth year of service, would be entitled to 60 working days on full pay and 60 working days on half pay.

THE SICK LEAVE YEAR

The sick leave year runs from 1 April to 31 March and a new entitlement starts each year on 1 April. However, teachers absent due to illness on 31 March will not be entitled to the subsequent year's allowance until they are recovered and are back at work. Instead, sick leave will continue to be counted against the previous year's entitlement.

CERTIFICATION REQUIREMENTS

The Burgundy Book scheme requires the teacher to fill in a self-certificate form on return to duty following any period of sickness absence lasting between four and seven calendar days will require. Doctors' certificates are required for sickness absences lasting more than seven calendar days; at the end of each month of absence; and on return to duty unless fitness to return to duty has already been ascertained and the teacher returns to duty on the date specified on the previous doctor's certificate. Doctors' certificates may also be required at an earlier stage or more frequently in the case of prolonged or frequent absences.

In many LEAs, however, schools are encouraged to operate absence monitoring procedures which aim to address absence levels that are causing concern. These procedures may place additional burdens upon teachers in terms of filling in forms and attending return-to-work interviews. Their terms do not, however, form part of the Burgundy Book scheme and failure to comply with any certification requirements of such procedures cannot affect teachers' entitlement to sick pay under that scheme. Detailed guidance on absence monitoring procedures is available from NUT Headquarters, NUT regional offices, or in Wales, the NUT Cymru office.

MEDICAL EXAMINATIONS

If there is concern about a prolonged period of absence or frequent spells of absence, a teacher can be required at any time to submit examination by an approved medical practitioner. The teacher's own doctor may be present during such an examination at his/her request. The cost of such an examination is borne by the employer. NUT members who are experiencing medical problems that could potentially cause problems, should contact their regional office, or in Wales, the NUT Cymru office.

SICK PAY/LEAVE FOLLOWING ACCIDENTS AT WORK

Where a teacher is absent as a result of an accident arising out of and in the course of employment, including extra-curricular and voluntary activities, the teacher will be entitled to full pay for a maximum of six calendar months which is not reckoned against the normal sliding scale entitlement to sick pay and sick leave. The same is true when there is evidence to show that an absence was due to an infectious or contagious disease contracted as a direct result of a teacher's employment. Where the teacher is still absent after this initial six month period, an extension may be granted. Following this, the teacher will be entitled to the normal sick pay and sick leave entitlement described above.

STATUTORY SICK PAY (SSP)

Due to the existence of the Burgundy Book scheme, most teachers will not necessarily be aware of Statutory Sick Pay (SSP).

SSP is payable to any employee for a maximum period of 28 weeks in any spell of sickness absence. Where teachers are receiving full sick pay, SSP will form part of that sick pay. Where teachers move on to half sick pay, SSP will be paid on top of half pay until the period of sickness absence reaches 28 weeks. Following this, teachers will be entitled to claim State Incapacity Benefit.

SSP is most relevant to teachers in their first years of service, whose entitlements under the Burgundy Book scheme and entitlements to State Incapacity Benefit will be limited but who may be entitled to receive SSP for the full 28 weeks. Further advice on SSP can be obtained from local Department of Work and Pensions (DWP) offices, from NUT regional offices, or in Wales, the NUT Cymru office.

INFIRMITY/BREAKDOWN PENSIONS

In cases of prolonged sickness absence, it may be appropriate to explore the possibility of seeking infirmity benefits, or premature retirement compensation under the Teachers' Superannuation Scheme. The NUT's regional offices and NUT Cymru office have many years' experience of dealing with such cases and provide professional support and guidance in this area.

NUT SICK PAY & SICK LEAVE CALENDAR

The following calendar summarises the information given above and should serve as a quick guide. For the sake of simplicity, patterns of absence have been assumed to be continuous; but the guide will apply equally, however, where this is not the case. Teachers are advised to keep a note of the number of days that they are absent due to sickness from 1 April of any given year should problems arise in relation to sick leave and pay. All days shown are working days, unless otherwise specified. Holidays and weekends are not included. The chart assumes that the teacher remains in employment throughout the period of sickness.

Day 1 : Alert school of absence and of likely duration of absence.

Calendar Day 4 : If you are still absent on this day, you will need to fill in a DWP self-certificate form on return to work.

Calendar Day 8 : If you are still absent, a doctor's certificate is now required. These may be required on a regular basis until declared fit to work.

Day 25 : Full pay expires for teachers in their first year of service.

Day 50 : Full pay expires for teachers in their second year of service.

Day 75: Full pay expires for teachers in their third year of service.

Half pay expires for teachers in their first year of service, with at least 4 calendar months' service.

Day 100 : Full pay expires for teachers in their fourth or successive years of service.

Half pay expires for teachers in their second year of service.

Day 150 : Half pay expires for teachers in their third year of service.

Day 200 : Half pay expires for teachers in their fourth or successive years of service.

FREQUENTLY ASKED QUESTIONS

Below, is a series of questions and answers relating to sick pay. Members with further questions should contact their appropriate NUT regional office, or in Wales, the NUT Cymru office.

Q: How is my entitlement to sick leave and sick pay affected if I take up a teaching post in a school in a different LEA?

A: **Your entitlement is not affected in any way. When you move, the new LEA should take into account any service as a teacher and/or sickness absence with the previous authority for the relevant sick pay year.**

Q: What happens if I have a break in service? Will I lose my entitlement?

A: **Again, your entitlement is not affected. As far as the Burgundy Book scheme is concerned, it is aggregated service as a teacher that counts, not continuous service.**

Q: Will working in a foundation or voluntary-aided school affect my entitlement to sick pay and sick leave?

A: The vast majority of foundation and voluntary-aided schools have adopted the Burgundy Book Sick Pay Scheme. Any variations will be set out in the contract of employment

Q: What if I move to an independent school?

A: Independent schools may set their own sick pay schemes but many follow the Burgundy Book Sick Pay Scheme. Again, any variations will be set out in the contract of employment.

Q: Do holidays and weekends count against the sick leave entitlements set out in the Burgundy Book sliding scale?

A: No, only the 195 working days are counted. Teachers absent due to sickness continue to receive full or half pay, as appropriate, through weekends, half-term breaks, bank holidays and the longer Christmas, Easter and Summer breaks; however, these periods do not count against their sick leave entitlements. Teachers whose sick leave extends into the school holiday must continue to submit medical certificates, as required, even though the school is closed.

Q: What happens if I am absent due to illness on 31 March and am not fit to return to work on 1 April?

A: Under normal circumstances, a teacher's new entitlement to sick leave and sick pay would start on 1 April. However, if a teacher is absent from work due to illness on 31 March, the period of absence will continue to be counted against the previous year's allowance and the new allowance will not start until the teacher is back at work.

Q: Is it possible to extend the periods of full and half pay set in the sliding scale?

A: Local authorities have the discretion to extend the entitlements in any individual case and NUT regional offices, or in Wales, the NUT Cymru office, in a number of cases, have been able to negotiate extensions in certain circumstances.

Q: How do I calculate my 'year of service' for sick pay purposes?

A. For the purpose of calculating a teacher's entitlement during a year, a year is deemed to begin on 1 April and end on 31 March. Where a teacher starts service after 1 April in any year, the full entitlement that year applies. So, for example, for a teacher who takes up his or her first teaching appointment in September 2001, the first year of service runs from 1 April 2001 to 31 March 2002. From 1 April 2002, the teacher is in his or her second year of service etc.

Q: If I am on sick leave in the period preceding a school holiday, do I have to go into school on the last day of a term/half term in order to be paid during the holiday period?

- A. No, this is a common misconception. If you are receiving full sick pay before the holiday and your illness continues into the holiday, you will continue to receive full sick pay during the holiday period. The same principle applies to half pay. There is no requirement to attend school on the last day of term.**