

Sick leave and sick pay: your entitlements

The entitlement to sick pay and sick leave for teachers in the maintained sector is set out in *Conditions of service for school teachers in England and Wales*, informally referred to as the Burgundy Book. This is a negotiated agreement between teacher unions and the National Employers' Organisation for School Teachers. Local authorities (LAs) should follow the terms of the Burgundy Book scheme and incorporate its terms into their teachers' contracts of employment. A small number of foundation and voluntary-aided schools do not have to follow the Burgundy Book so members should check their contracts on this point.

What is my entitlement to sick leave and pay?

As set out in the Burgundy Book, teachers' national sick pay entitlements are based on a sliding scale according to their length of service, as follows.

During the first year of service:	Full pay for 25 working days and, after completing 4 calendar months' service, half pay for 50 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 subsequent years:	Full pay for 100 working days and half pay for 100 working days

I work part time. What is my entitlement?

Paragraph 2.3 of the Burgundy Book is interpreted to mean that sick leave days relate to the school's working days not the individual teacher's working days. Part-time teachers receive their sick pay based on their actual salary for up to 100 of the school's working days. For example, a part-time teacher employed on a 0.4 contract would receive their normal 0.4 salary for 100 school working days, and then 50% of their 0.4 salary for a further 100 working days.

Does my sick entitlement start each time I am ill?

No. The sick leave year runs from 1 April to 31 March and a new entitlement starts on 1 April each year. However, if you are absent due to illness on 31 March and continue to remain off sick into April and subsequent months, you will not be entitled to the following year's allowance until you have recovered and have returned to work after 1 April. Rather, your sick leave will continue to be counted against the previous year's entitlement.

At what point must I produce a sick certificate?

You are required under the Burgundy Book scheme to fill in a self-certificate on your return to work after absences lasting four to seven days. Schools could, however, require you to complete a self-

certification form after a single day's absence. You are required to produce a doctor's certificate on the eighth day of absence and at regular intervals if you remain off sick.

Do I have to attend an interview with my employer when I return to work?

Many schools operate sickness absence monitoring procedures, which aim to address absence levels that are causing concern. This may include attending return-to-work interviews.

Can I be referred to occupational health?

Where there is concern about a prolonged period of absence or frequent spells of absence, an employer can at any time require a teacher to submit to an examination by an approved medical practitioner.

I am due to start a new job in a different LA. How will my sick leave and pay be affected?

Your entitlement will not be affected. Your new LA must take your previous teaching service and/or sickness absence with the previous authority into account for the relevant sick pay year.

Will I lose my entitlement if I have a break in service?

No. Your entitlement will not be affected in any way. The Burgundy Book scheme states that it is aggregated service as a teacher that counts, not continuous service.

What will happen if I move to an independent school?

You will need to check the terms in your contract of employment as independent schools may have their own sick pay schemes. You will not be able to carry over your sick pay entitlement to the independent sector.

Do weekends and holidays count against the Burgundy Book sick pay scheme?

No. A teacher in accordance with the *School teachers' pay and conditions document* must be available for work for 195 days and, therefore, it is those working days for which the teacher is absent that count towards this entitlement. Teachers absent due to sickness continue to receive full or half pay, as appropriate, through weekends, bank holidays and school holidays. However, these breaks do not count against their sick leave entitlements.

Do I still have to submit sick notes during the school holidays?

If your sick leave extends into the school holiday, you must continue to submit doctor's certificates, as required, even though the school is closed.

I have had an accident at work. How will my sick entitlement be affected?

If you are absent as a result of an accident, injury or assault arising out of and in the course of your employment, you will be entitled to full pay from the date of the accident, injury or assault up to the date of recovery, for a maximum of six calendar months. If you are still absent due to the accident, injury or assault after the initial six months' period, you will be entitled to normal sick leave and pay according to your length of service. The same entitlement applies if there is evidence that an absence was due to an infectious or contagious disease contracted as a direct result of a teacher's employment. For further information/clarification, please contact ATL as outlined below.



the education union

Need advice?

Your first point of contact is your ATL rep in your school or college. Your local ATL branch is also available to help with queries, or you can contact ATL's member advisers on **020 7930 6441**, email: info@atl.org.uk or write to 7 Northumberland Street, London WC2N 5RD. Don't forget you can also get lots of help and advice, as well as download copies of other ATL advice sheets, on our website at www.atl.org.uk

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