

ABSENCE DUE TO ILLNESS

The procedures to be followed by teachers and teachers' entitlement during illness derive from a number of sources – DENI regulations, DHSS legislation and local practice within individual schools. This leaflet provides a general guidance only for INTO representatives and members. Further information and advice can be obtained from Northern Office.

Notification of Absence

- 1 It should be recognised that information relating to a teacher's health is of a personal and sensitive nature and must be treated as confidential. There will be many occasions in which the teacher wishes his/her reasons for absence to remain strictly private and confidential. Principals in receipt of such requests should respect these wishes and ensure that all such information remains confidential and is stored in a safe and private environment. It should also be recognised that the Principal may need to take advice and this should not be viewed as a breach of confidentiality.
- 2 If the teacher is absent from school due to illness, he/she must personally, or make arrangements to:
 - (i) (a) notify the Principal or designated person as early as possible, in accordance with local school procedures or at least one hour before the beginning of the school day.

Notification must be received on the first day of absence.

- (b) in the case of the Principal, notify Vice-Principal or designated person as per 7.2 (i)(a) above, who in turn should inform the Chairperson of the Board of Governors.
- (ii) at the time of the initial notification give an explanation of the absence and if possible an estimate of its likely duration
- (iii) provide the following documentary evidence of incapacity to the Principal or designated person (or the Chairperson of the Board of Governors in the case of a Principal's absence) as follows: -
 - (a) if the absence extends beyond 7 consecutive days, the teacher on that day, should obtain, complete and provide to the Principal or to the designated person, a National Insurance Medical Certificate. The Principal or designated person should, on receipt, keep and copy and forward the original to DENI.

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- (b) In the event of an absence of over 3 and up to 7 consecutive days complete the Department's Evidence of Incapacity Form CCU67 and submit this to the Principal.
- (c) In the event of any other absence, on the day of return complete the school's Self Certification Form SA3.
- (d) Notify the Principal or designated person as early as possible when he/she will be returning to work and, if the absence has extended beyond 14 consecutive days, submit a certificate from his/her doctor stating that he/she is fit to resume his/her duties.
- (e) In long term sickness absence, i.e. 4 weeks or more, notice of one week must be given to the Principal (or the Chairperson of the Board of Governors in the case of the Principal) of when the teacher intends returning to school in order to assist in planning for substitute cover.

Payment

1. Salary during absence

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, in accordance with the following scale:

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

(NB: Optional closing and non-pupil contact days are counted as working days)

- A teacher who is appointed from a date other than 1st April shall be deemed for the purposes of sick leave to have commenced on 1st April, but must complete four months actual full-time service before becoming entitled to sick leave on half-salary.
- 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.
- 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. However, if the teacher has exhausted entitlement to sick leave at either full or half-salary rate, there shall be no entitlement to salary. Absences due to illness on non-working days, other than vacations, are treated similarly.

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- 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.
- Deductions are made from salary paid during sick leave in respect of amounts receivable by way of social security Incapacity Benefit. The amounts deducted are:
 - The total amount receivable where salary is being paid at the full rate.
 - Where salary is being paid at half-rate, the amount deducted is the sum by which the combined salary and state benefits receivable exceed the teacher's full salary rate.

2. Statutory Sick Pay (SSP)

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.

Members should note that certain important groups of teachers are entitled to SSP during absence due to illness, e.g.:

- part-time hourly-paid teachers who are not otherwise entitled to salary during absence, provided they are earning sufficient to pay a National Insurance contribution.
- married female teachers who are paying the lower rate of N.I. contributions and do not qualify for state Incapacity Benefit.

It is important that all teachers should follow the Notification procedures.

For the administration and payment of SSP, the Department of Education acts on behalf of employers of teachers in schools and institutions of further Education who are paid salary by the Department. Teachers not paid by the Department are paid SSP by their employing authority.

When SSP is determined and paid by the Department of Education there will be no adjustment to salary amounts in respect of periods where SSP is due. For record and information purposes, the amount of SSP is shown on the teacher's payable order or pay advice slip.

The forms used in the administration of SSP are:

BF220

Issue by the Department of Health and Social Services to teachers who have recently claimed, or received, state benefits, e.g. Incapacity Benefit. The form will indicate that the teacher is excluded from receiving SSP and the date on which the exclusion will cease. This form should be forwarded to the Department of Education when the teacher resumes employment.

SSP1

Issued by the Department of Education is a teacher who is absent due to illness and is not entitled to SSP.

3. Social Security Benefits

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.

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Ensure that claim forms are submitted promptly and bear your national insurance number and teacher's reference number. Do not forget to claim for dependents, e.g. spouse, children.

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. (For further information contact your local Social Security Office).

Important: INTO members injured at work, or contracting diseases at work, should also notify Northern Office in writing.

Other Benefits: In cases of prolonged and/or severe illness/disablement, there may be entitlement to other State benefits such as Special Disablement Allowance (SDA), Disability Living Allowance (DLA), Invalid Care Allowance (ICA). IN addition, persons whose income falls below certain levels may be entitled to income support. Details of these and other State Benefits are given in the booklet 'Which Benefit' (FB2), which can be obtained on request, free of charge, from any Social Security Office.