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LWETB

Managing Attendance and Sick Leave Policy

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1. Scope

This policy applies to all employees of Longford and Westmeath ETB and refers to the agreed guidelines under the terms of the relevant circular letters for Certified and Self Certified Sick Leave as outlined below.

General sick leave provision

CI 0063/2015 Staff other than teachers & SNAs

CL 0054/2019 Registered teachers

CL 0060/2019 SNAs

CL 0032/2016 Dealing with the recovery of overpayments

Special leave in the case of COVID-19

Department of Education have the most up to date circular letters on

<https://www.gov.ie/en/circulars/?organisation=department-of-education>

2. Purpose

This document has been developed to provide a framework within which the provisions of the relevant Circular Letters can be applied.

The contribution, capability and commitment of LWETB employees is vital to the ongoing delivery of a quality service. The aim of this document is to provide a consistent approach to managing sick leave while at the same time taking individual circumstances into account in order to act reasonably. All matters in relation to attendance management will be handled in a consistent, confidential and sensitive manner by managers. LWETB is committed to supporting staff wellbeing and welfare during periods of illness, while minimising the impact of absence on fellow work colleagues and customers.

It is not Longford and Westmeath ETB's intention that employees who are ill should be at work. Whilst all employees have a responsibility to attend work and fulfil their contract of employment, it is recognised that from time to time employees will suffer ill-health. It is acknowledged that the vast majority of staff have a good record of attendance. However, it is also recognised that there is a minority of instances where this is not the case and where an employee's attendance falls below a level that is acceptable. LWETB is committed to the principle of early intervention in the management of sick leave. Early and successful addressing of issues with employees will reduce the possibility of employees having problems with their attendance.

3. Objectives

- To set out LWETB's Sick Leave arrangements in line with the relevant Circulars.
- To do all that is reasonably practicable to assist employees who are absent from work due to injury or ill-health to return to work as soon as possible.
- To ensure a fair and consistent approach in the effective management of absence.
- To clarify the roles and responsibilities of Staff, Management, Occupation Health Service (OHS) and Human Resources in relation to sickness absence.

4. Roles and Responsibilities

a. Role of the Staff Member

All staff members have a responsibility to:

- Provide regular and efficient service.
- Take responsibility for their own health.
- Advise the line manager of any relevant matter that may affect their attendance and avail of appropriate services.
- Minimise absences from work and minimise accidents and/or ill-health at work by complying with the Health & Safety requirements and taking reasonable care of their own safety and that of others.
- Comply with all provisions of the Managing Attendance and Sick Leave Policy including the claiming of the Illness Benefit where applicable.
- Co-operate with reasonable requests for clarification from management regarding their work.
- Co-operate fully with appropriate rehabilitative measures to facilitate a return to work as soon as is practicable.

b. Role of the Manager

All line managers have a responsibility to: -

- Line Managers (Principal/Coordinator/Manager, or another member of management in a School/Centre/Department duly nominated by the Principal/Coordinator/Manager) have a responsible role in managing attendance in accordance with the provisions of the policy by: - Ensuring that all staff are aware, fully understand and comply with the Managing Attendance and Sick Leave Policy and relevant sick leave arrangements.
- Monitoring and recording attendance in a time efficient manner.
- Managing absence in a consistent and fair manner, in line with relevant procedures.
- Administering the COREHR absence and sick leave procedures.
- Limiting contact to staff who are absent, however there may be times when there is a need to contact staff due to an urgent set of circumstances.
- Inform dual-managers of absence(s), if applicable, immediately upon notification of absence.
- Conducting absence review meetings.

- Assisting Staff members to re-integrate after a prolonged period of absence as required.
- Ensure that staff are aware of any staff welfare initiatives including Employee Assistance Programme (where applicable)

c. Role of Human Resources

The HR Department has a responsibility to: -

- Advise and support Line Managers in the monitoring and management of sickness absence.
- Monitor the Managing Attendance and Sick Leave Policy and ensure it is being applied fairly and consistently throughout the organisation.
- Provide access to regular reports on the level of attendance and absenteeism through the organisation.
- Liaise with the OHS and management in the case of referrals and where required advise on recommendations from health assessments of fitness for work.
- Ensure that staff are aware of any staff welfare initiatives including Employee Assistance Programme (where applicable).

d. Role of the Occupational Health Service (OHS)

The OHS provides a confidential independent advisory service to LWETB and its employees on all matters relating to their health and how it may affect their ability to cope with their work. The service aims to benefit both employees and the employer.

The functions of the OHS are: -

- To provide an independent advisory service on any health-related matter which is affecting the employee's ability to undertake work or the impact of their work on their health, taking into account the illness prompting the referral and medical opinion where available.
- To provide impartial advice to LWETB regarding an employee's fitness to undertake his/her full range of contracted duties and to make recommendations aimed at assisting employees to regain their good health and return to a suitable job as quickly and as safely as possible.
- To advise on the employee's fitness to undertake modified or alternative duties.
- Ensure that the Sickness Absence policy is being applied consistently throughout the organisation.
- To liaise, subject to appropriate consent, with the employee's medical advisor.
- To advise management, HR and individuals on any areas of support for health-related issues that may be affecting the staff member in their existing role.

5. Sick Pay Scheme

The certified sick leave scheme is outlined in

- **CL 0063/2015** for all staff in Education and Training Boards other than Teachers and SNAs
- **CL 0060/2019** for all Special Needs Assistants
- **CL 0054/2019** for all Teachers

The sick leave provisions for an employee participating in the work-sharing scheme, or working on a part-time basis will be adjusted pro-rata to his/her agreed attendance pattern and are subject to the normal provisions governing the granting of sick leave.

The granting of sick leave to an employee who is ill is intended to provide an adequate opportunity for that employee to recover from the illness and its effects so that s/he may make an early return to duty without a likelihood of a relapse into illness. Therefore, it would be contrary to the express purpose of this scheme, to engage in any activity (e.g. travel abroad, gainful employment or self-employment) which in the opinion of an Occupational Health Service (OHS) could be regarded as impeding that employee's progress to recovery. The approval of LWETB must be sought prior to an employee travelling abroad while on sick leave. LWETB must seek the advice of an OHS before deciding on the matter.

For staff who have a contract of a temporary nature, the entitlement to sick leave shall cease on the expiry of their contract of employment.

An employee who is absent from work because of personal illness or injury, may be granted paid sick leave of:

- A maximum of 3 months (92 days) on full pay in a year
- Followed by a maximum of 3 months (91 days) on half pay
- Subject to a maximum of 6 months (183 days) paid sick leave in a rolling four-year period.

b. Critical Illness

An employee who becomes incapacitated as a result of a critical illness or serious physical injury may be granted extended paid sick leave, in exceptional circumstances of: -

- A maximum of 6 months (183 days) on full pay in a year
- Followed by a maximum of 6 months (182 days) on half pay
- Subject to a maximum of 12 months (365 days) paid sick leave in a rolling four-year period.

Further details on the Critical Illness protocols are available in the relevant Circular Letters as set out above.

c. Temporary Rehabilitation Remuneration (TRR)

Where the relevant period of paid sick leave has been exhausted, an employee with a minimum of 5 years' service in a pensionable position may be granted TRR at the end of the period of paid sick leave subject to certain conditions.

TRR is calculated on pensionable pay and paid pensionable service accrued in the employment at the time paid sick leave is exhausted together with the added years of service which would be awarded if ill health retirement was granted. TRR is not a period of pensionable service and is not reckonable for increment purposes.

The granting of TRR is subject to confirmation from OHS that there is a reasonable prospect of a return to work.

TRR will not exceed 548 days (18 months) in the case of ordinary illness. In the case of critical illness s/he may have access to 12 months (365 days) TRR followed by a further period of TRR not exceeding 24 months (730 days). The further period of TRR is subject to regular reviews by an OHS.

d. Dual Look Back

In the case of both ordinary and critical illness/injury, sick leave over the last 4 years will be reviewed from the current date of absence to assess if the relevant paid sick leave entitlements, as outlined above, have been exhausted. If the maximum has not been exceeded, the sick leave record is then reviewed over the 1 year period from the current date of absence to determine the rate at which sick leave and /or TRR will be paid.

e. Entitlement to Unpaid Sick Leave

An employee who has exhausted the maximum period of paid sick leave and does not qualify for TRR but is still medically unfit to resume duty and wishes to retain his/her position must notify the employer of his/her intention to avail of period of unpaid sick leave that shall not normally exceed the TRR limits as set out above.

The granting of a period of unpaid sick leave is subject to continued submission on a regular basis of acceptable medical certification to the employer. Prior to the expiration of the unpaid sick leave, LWETB will seek the advice of an OHS on the employee's prospect of recovery and return to work. When a return to duty is not deemed viable, the employer can take appropriate action including but not limited to, termination of the contract of employment.

f. Notification of Absence

An employee who is absent due to illness must notify, or make suitable arrangements to notify their line manager / principal or, in his/her absence, the nominated person who is acting on their behalf on that specific day. (e.g. In the case of schools the Principal / nominated Deputy Principal) Notification of absence must be made as soon as is practical or at latest in advance of the staff members normal start time on the first day of the absence.

The employee should, where possible indicate the likely duration of the absence and any urgent work which has to be dealt with in his/her absence to ensure that nothing essential is omitted. It is the employees' responsibility to ensure that they are aware of the correct manager to contact.

In the event that an employee has a dual-reporting line, clarity should be attained as to which manager needs to be contacted in the case of absence. This should be clearly identified in advance and is available on your COREHR account under reporting manager.

Text Messages, leaving voicemails outside of office hours, and email are not acceptable methods of notification.

The same procedure applies whereby, due to serious incapacity, a staff member is not able to make direct contact, they must ensure that their Line Manager is made aware of the absence by someone acting on their behalf. This should again be followed up by telephone call from the employee at the earliest opportunity circumstances permitting.

Where an employee is absent on continuous sick leave of more than 2 consecutive days (3 days for teachers) or on the work day before and after a weekend or a public holiday a, medical certificate must be provided to the employer. Medical Certificates must be provided to the line manager within the first three days of absence. An email to your line manager containing a photograph of the certificate is acceptable pending the original being updated on your COREHR account on return to work.

g. Medical Certificates

The full guidelines surrounding an acceptable medical certificate are outlined in the relevant circulars. Medical certificates must be dated and stamped by the medical practitioner/be on headed paper and signed by a duly qualified medical practitioner registered with the Irish/UK Medical Council/Dental Council of Ireland and must cover a period of up to but no more than one week. However, certification for periods other than one week may be permitted with the prior approval and at the discretion of the Head of HR.

Medical certificates should be issued to your line manager / principal. Certificates can be submitted, in the first instance via emailed scanned copy and originals submitted thereafter. Original certificates should be submitted to your line manager / principal no later than one week later than the relevant dates.

Medical Certificates which are undated, backdated, illegible or outside the acceptable guidelines will not be accepted and the employee may be requested to re-submit a correctly completed one. Failure to provide a medical certificate will result in leave being recorded as unapproved sick leave and payment will be withdrawn pending return to duty or compliance with the scheme, and may also be dealt with under the agreed disciplinary procedures.

6. Social Welfare Benefits

Any staff member who is eligible for Illness Benefit (paying Class A category PRSI) should make the necessary claim to the Department of Social Protection. As illness benefit is payable from day 4 of illness, it is only necessary to make an application to Social Welfare in respect of illnesses of more than 3 consecutive days (not inclusive of Sunday's). This form is available from your doctor.

Illness benefit payments from DSP should be made payable to the staff members own personal account. Your pay is reduced accordingly. It is the staff member's responsibility to apply for their illness benefit directly to the Department of Social Protection. Up to date details regarding eligibility, waiting days, rates of pay application process etc. are available on the Department of Social Protection website www.welfare.ie

If you have any queries in relation to your social welfare applications or benefits, you will need to liaise directly with the Department of Social Protection.

7. Self-Certified Sick Leave

The maximum number of self-certified sick leave days allowable in any period of 2 consecutive years of service is 7 (counting backwards from the latest self-certified sick leave absence) for all categories of employees. Any sick leave in excess of the 7-day limit for which a medical certificate is not provided will be treated as an unpaid absence, and a payroll deduction will be made accordingly.

Payment for self-certified sick leave may be modified or withdrawn, following due process, in cases where there is a pattern of absences that are frequent or the maximum number of days is regularly approached or taken year after year.

If an employee has exhausted the maximum of self-certified sick leave or is not entitled to self-certified sick leave, a medical certificate must be provided dated from the first date of absence in order for payment to be made.

Sick Leave after reporting for Work

Where an employee reports for work, and subsequently has to go home sick, in general that day will be counted as a full or half day's sick leave (depending on whether the person goes home before or after lunch). Such sick leave may be counted as either self-certified or certified depending on whether or not the employee subsequently visits a doctor and provides a medical certificate

8. Doctor/Dentist/Optician/Hospital and other Health Appointments

In general, all medical/dental/hospital appointments etc. should be arranged outside of regular working hours. Sick leave may be provided where an employee is absent for the purpose of obtaining health-related services (e.g. Doctor/Dentist) provided such appointments could not have been arranged outside of regular working hours or working days. Any sick leave allowed for such appointments will be counted as a half day or full day; it is not possible to break such leave down further than that e.g. into hours. A medical certificate must be provided for such appointments in order to be counted as sick leave.

Eligible staff members may wish to avail of Annual or Flexi leave as appropriate for such appointments if they do not wish the time to be counted as sick leave, and in particular where it is not necessary to take a full day or half day for such appointments.

9. Return to Work Meeting

Upon return to work, a manager / principal may request to meet with a staff member with a view to supporting their return. Ideally this meeting would take place on their first day. It provides the opportunity to update on work that has happened during the period of leave, assess if any supports are required and agree on a plan of work. This meeting can also address any recommendations from Occupational Health reports, if applicable.

10. Absence Review Meeting

The Line Manager will invite a staff member to attend an absence review meeting should their frequency or pattern of absence become a cause for concern.

The purpose of the meeting is to:

- Review the employee's absences during the relevant period and ensure records are accurate.
- Listen to any explanations offered by the employee.
- Discuss any issues or concerns that the employee may raise in relation to his/her ongoing absence.
- Review any support that may be provided to the employee to assist him/her in managing his/her absence, including the opportunity to avail of Occupational Health Advice and/or Employee Assistance Programme.
- Consider any advice received from the OHP regarding the employee's fitness to work.

Consider whether or not there is continued cause for concern and possible further action. If there is no continued cause for concern and action, the meeting is closed and the manager will write to the employee within 5 days confirming the discussion.

- If there is continued cause for concern and action this will need to be identified along with advising the employee of the improvement to be achieved (set targets where appropriate) as well as any additional appropriate supports if relevant.
- Arrange for a follow up meeting to review progress in relation to any improvement targets set.

After the meeting, the Manager will write to the employee within five working days confirming the outcome of the meeting, monitoring period and potential consequences of a lack of sufficient improvement in attendance. A copy of this letter will be retained on the staff members' personnel file.

If no improvement in attendance occurs after following the above procedure and where the OHP has indicated that there is no underlying cause for continued absence, management will consider the appropriate course of action, and may, where necessary, invoke disciplinary procedures.

11. Referral of an employee to an Occupational Health Physician (OHP)

LWETB will refer an employee to an OHP, for the purpose of an independent assessment, where:

- Reasonable concerns exist as to the capacity of the employee to undertake his/her duties in a manner that is safe for both the employee and the employer.
- A medical certificate for work-related stress has been received.
- Certified absence is long-term
- There are frequent periods of short-term absence or the pattern of absence is of concern.
- A teacher / SNA who has had 4 weeks (28 days) continuous or cumulative sick leave absence in a 12 month rolling period.
- Any other staff member who has had 4 weeks (28 days) continuous sick leave absence in a 12 month rolling period.
- An application for early retirement on the grounds of ill-health has been received.

It is a condition of the Sick Pay scheme that all employees must abide by the medical assessment of an OHP.

12. Impact of COVID-19

Department of Education have the most up to date circular letters on <https://www.gov.ie/en/circulars/?organisation=department-of-education> which outline the provisions for special leave for COVID-19 diagnosis, definition of very high risk and high risk groups etc. Please refer to these documents, along with communications provided by LWETB COVID-19 Task Team for further details. Given the evolving nature of this particular crisis, these provisions and procedures are subject to review.

13. Managing Long-Term Absence

Long term absence is defined as any period of absence of four weeks or more. Line Management will maintain contact, as appropriate, with the employee on long-term absence and may, in consultation with HR refer the employee to the OHP to assess the long-term prognosis of their illness/disability. The main aim is to ensure that the employee is afforded every opportunity to return to work as quickly as possible after they have been certified to do so. An employee on long term sick leave is expected to maintain regular contact with his/her manager in order to keep the manager advised of his/her progress and expected date of return, and so that the manager can keep the employee informed of any

important developments. This is necessary so that managers can plan and manage their team/department and workload during the employee's absence, and manage the employee's return to work effectively when it occurs. Staff are also obliged to communicate with HR in relation to any OHS referrals. Contact by the organisation with the employee will be conducted in a reasonable manner and only as required.

Whereby the health advice indicates that a return to work is unlikely, ill-health early retirement may be applicable. Further information on these schemes are available from the pensions section of HR.

Resumption of Duty

An employee intending to resume duty prior to the date specified on the medical certificate must provide a medical certificate of fitness from his/her doctor before the date of resumption. For an absence of 4 or more continuous weeks or any period of TRR/unpaid sick leave, or a shorter period where the employer has reasonable grounds for concern, confirmation of fitness to return to duties from his/her doctor must be provided, and certification by an OHP must also be obtained. In exceptional cases, a phased return to work may be facilitated, based on medical advice. It is the employees' responsibility to give adequate notice of intention to return to work, to their line manager / principal to ensure that the relevant assessments can be put in place. An employee that comes under these circumstances **may not** return to the workplace until such time as a satisfactory report is provided to LWETB by the OHS, reviewed by HR and your return to work date has been confirmed with you by LWETB.

Maternity Related Illness Protection

If a pregnant employee is medically unfit for work due to a pregnancy related illness and has exhausted sick leave at half pay she will continue to receive sick leave at half pay for the duration of her pregnancy-related illness, prior to going on maternity leave. This is regardless of whether she has reached the maximum limit for half pay due to prior sick leave.

If an employee is unfit for work following maternity leave, her access to sick leave at half-pay will be extended by the period of absence on sick leave at half pay due to pregnancy-related illness, which occurred before she went on maternity leave.

Employee Assistance Service

LWETB provides an employee assistance programme for all staff. EAS offers short-term intervention for those that may be experiencing difficulties that impact their work and personal lives. Contact details of the current EAS provider can be found on www.lwetb.ie

Annual Leave/Public Holiday Entitlement

Statutory Annual Leave will continue to accrue during a period of certified sick leave. Please refer to the relevant Circular for more details in this regard.

Any entitlements in respect of public holidays occurring while on sick leave will be addressed by additional annual leave which is to be taken within the current leave year in question i.e. after the sick leave period. If it is not possible to absorb all entitlements in the leave year it is permitted to carry the balance forward to the following leave year.

Applications for the taking of annual leave should follow the usual proto-cols in terms of approval from line manager and appropriate dates. e.g. during a time that a service/ centre / school is not open to students/learners. Applications for the taking of annual leave directly after a period of sick leave will be considered on the basis of a return to work certificate being provided. Employees who resign/retire or whose employment ceases may be entitled to additional payment in lieu of the accrued leave.

Status during Leave

Absences on paid sick leave (full or half pay) are fully reckonable for all purposes. Absences on TRR are not reckonable for pension (superannuation) and increment purposes.

Employees on leave of absence in excess of two full years

An employee who has been on long term leave of absence of any kind in excess of the full two years will be required, prior to return, to undergo a medical assessment and be deemed medically fit by an OHP.

Sick Leave Related Overpayments

Where an overpayment of salary arises, for example, as a result of the late recording of sick leave absences, such overpayment will be recouped from the employee's future salary payment.

If an under payment has occurred, for example, due to the late arrival of a medical certificate and an appropriate deduction was made, it will be added back to future salary payments.

Compliance

Failure to abide by the regulations and procedures will be dealt with under the agreed disciplinary procedures and may lead to the cessation of salary.

14. Review & Implementation

This policy will be subject to review in accordance with organisational needs and/or where it is necessary to do so due to changes in Department of Education regulation, legislation or other such situations. The date of implementation is the date of adoption by Longford and Westmeath Education and Training Board.

15. Responsibilities

It is the responsibility of the Director of Organisation Support and Development for the revisions and updates to the Policy reviewed by the LWETB Senior Leadership Team approved by Chief Executive LWETB and noted by LWETB Board