

CORONAVIRUS (COVID-19)

GUIDANCE ON PAY AND ABSENCE MANAGEMENT FOR EDUCATION STAFF

National agreements on terms and conditions of employment for education staff ([Burgundy Book](#) for teachers/[Green Book](#) for support staff/[Red Book](#) for teachers in sixth form colleges) have sections which include provision for contact with infectious diseases. The information can be found in section 4 of the Burgundy Book, section 10 of the Green Book, and section 6 of the Red Book.

The national agreements are applicable to:

- all staff working in community schools
- staff working in academies who are subject to TUPE protections and for whom these documents are applicable.
- all staff working in academies and colleges which have adopted the national agreements

Staff employed under the agreements who become ill with coronavirus will be entitled to receive normal contractual sick pay. Although these absences could be recorded in the normal way, an NJC circular published in February, stated "*Given the exceptional circumstances, employers may wish to suspend targets or triggers in occupational sickness policies for any absences connected with coronavirus.*"

It is ASCL's view that due to the unprecedented circumstances created by the pandemic, any absences through coronavirus-related illness should be recorded separately and not dealt with through normal sickness absence procedures.

However, this is slightly different for any staff who are covered by either the Burgundy Book or the Red Book who become ill with coronavirus **and** where a medical practitioner '*attests that there is evidence to show a reasonable probability that an absence was due to an infectious or contagious illness contracted directly in the course of the teacher's employment, full pay shall be allowed for such period of absence as may be authorised by the approved medical practitioner as being due to the illness and such absence shall not be reckoned against the teacher's entitlement to sick leave, though such absences are reckonable for entitlement to Statutory Sick Pay.*'

Any staff employed under the Burgundy, Green and Red Books who have been advised to self-isolate as a precautionary measure will be entitled to receive normal full pay.

Additionally, any CEV staff or any other vulnerable staff who work from home or can not attend work as a result of government advice or an individual risk assessment, will also be entitled to receive full pay. The agreements also state that these *absences should not be reckoned against the employee's entitlement to sick leave though such absences are reckonable for entitlement to Statutory Sick Pay.*

We would expect all employers to adhere to these provisions where applicable (as detailed above), and we also urge employers who may not follow them to consider following these in any case, due to the extenuating circumstances caused by the coronavirus outbreak.

[Statutory sick pay](#) for any employee (or period) not covered, is payable from day 1 of absence rather than the normal provision of day 4.

Further guidance for employers can be found on the [ACAS website](#).

ASCL Pay and Conditions Specialist | Louise Hatswell
21 December 2020

The guidance provided in this document is for general information purposes only and does not constitute legal or professional advice. They represent ASCL's views, but you rely on them at your own risk. For specific advice relevant to your particular circumstances, please contact your employer's HR service or legal advisers.



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