

Checklist for COVID addenda to sickness absence policies

Purpose of this checklist

All employers will have policies and procedures to manage employees' sickness absence; however, these will have been written for a pre-COVID landscape.

Sickness absence policies will need to be adapted to account for COVID-related illness, and the adoption of a COVID-19 addendum to the existing policy is an effective way to do this.

COVID-19 addenda that are acceptable to the NASUWT will be equitable, transparent and consistent and will confirm that the employer will make every effort to assist staff to fully recover and return to work, including by ensuring access to Occupational Health (OH) services and by giving a commitment to phased return to work programmes.

The checklist below sets out the minimum requirements for an effective COVID-19 addendum.

Non-sickness COVID-related absence

Addenda will confirm that:

- absence due to self-isolation will be discounted for the purposes of sickness entitlement or absence monitoring procedures;
- self-isolation when not fully vaccinated will be on full pay and not be recorded sick leave;
- evidence of the requirement to self-isolate when not fully vaccinated will include NHS Test and Trace notification, NHS app notification or proof of being a defined close contact of a positive case in the workplace;
- self-isolation, when not fully vaccinated, due to a member of the household developing symptoms will be authorised without evidence;
- employees who are unable to attend the workplace due to their individual circumstances making it unsafe will receive full pay;
- employees who are unable to attend the workplace but are working from home will not be considered as on leave; those who are unable to work from home will be on authorised leave;
- pregnant employees who are unable to attend the workplace will not have their maternity leave brought forward, unless they are ill and unable to work due to a pregnancy-related illness in the four weeks immediately before their due date.

Illness due to COVID-19, including Long COVID

Addenda will confirm that:

- absence due to COVID-19-related illness (including Long COVID) will be recorded as sickness absence if the employee is unable to work from home, but will not be counted towards any absence management procedures;
- if the employee is still able to work from home, this will not be recorded as sick leave and pay will not be recorded as sick pay;

- if the employee is too ill to work from home, it will be counted as sickness absence on full pay;
- sickness absence due to COVID-19 will not be counted towards any employee's sickness entitlement;
- employees with COVID-19 symptoms will not be expected to undertake work;
- where it is likely that COVID-19 was contracted in the school/college, this will be reported to the Health and Safety Executive (HSE) under RIDDOR and all contractual/statutory entitlements arising from contracting the disease in the workplace will apply;
- any RIDDOR reports will be shared with the employee and health and safety committee/health and safety representatives.

Long COVID

Long COVID is defined as having persistent COVID-19 symptoms after the initial infection. These could include but are not limited to breathlessness, coughing, fatigue and 'brain fog'. Employees with Long COVID may or may not be able to work.

Long-term absence due to Long COVID is likely to be considered a disability under the Equality Act 2010 in Great Britain and the Disability Discrimination Act 1995 in Northern Ireland. Therefore, employers have a duty to consider reasonable adjustments to support the employee to return to work.

Long COVID symptoms may cause or exacerbate symptoms that then create a condition that falls under the legal definition of a disability. In this instance, similar considerations should be given to disability-related adjustments for a return to work.

Where employees are suffering from persistent COVID-related symptoms (Long COVID), addenda will confirm:

- employees will be encouraged to report any persistent symptoms of COVID-19, especially fatigue and brain fog;
- a suitable and sufficient individual risk assessment will be carried out by the employer's competent person;
- occupational health assessments will be accessible;
- recommendations in OH reports will be enacted;
- any other reasonable adjustments will be enacted;
- school staff will be able to access any employer-wide support (such as in corporate sections of local authorities);
- time off with pay will be granted for any medical appointments and/or treatments within normal working hours.

In addition, where employees are unable to return to work:

- the employer will treat the condition as a disability under the Equality Act/DDA;
- regular welfare meetings will be agreed;
- extended phased returns of up to ten weeks will be available. Requests for short-term flexible working in excess of the phased return will be agreed;
- long-term flexible working requests will be supported and treated sympathetically (note: a flexible working policy checklist is available at: www.naswt.org.uk/FlexibleWorking).