



Attendance Policy and Procedures for Teaching and Non-Teaching Staff

Created: February 2024

Signed: _____

(Chairperson Board of Governors)

Date: _____



Introduction

The Board of Governors of St. Anthony's P.S recognize the importance of staffs' health and welfare and their responsibility under the Health and Safety at Work (NI) Order 1976 to provide a safe workplace. They also recognize their responsibility to promote equality of opportunity and implement the provision of the Disability Discrimination Act (1995)

Aims

- To promote a supportive approach to staff health and welfare.
- To maximise staff attendance.
- To inform staff and Governors of the policy for managing staff attendance.
- To ensure confidentiality of information and facilitate a consistent approach to staff attendance in schools.
- To ensure that staff are treated fairly, consistently and sensitively when ill.
- To raise awareness of welfare support services.

Health and Welfare

- ⊙ The Board of Governors recognise that members of staff require support when ill or resolving personal issues which impact on their attendance.
- ⊙ Staff experiencing difficulties must be able to contact welfare and counselling services for information and advice.
- ⊙ Other policies and procedures to assist and support staff include special and compassionate leave, the Career Break Scheme and the Job Share Scheme. It is important to recognise that in some cases, particularly those dealing with work related stress and disability, the principal may wish to meet with the teacher to discuss adjustments or measures necessary to resolve particular concerns. In such cases the member of staff may be accompanied by a trade union representative or a teaching colleague.

Disability

Under the Disability Discrimination Act it is unlawful for the Board of Governors to discriminate against disabled people, in all aspects of employment. The Act covers: application forms; interview arrangements, terms of employment, promotion, dismissal or redundancy.

The Disability Discrimination Act requires the Board of Governors to consider the provision of "Reasonable Adjustments" at school. The aim of these adjustments is to ensure that a teacher is not put at a substantial disadvantage by employment



arrangements or any physical feature of the school. The Board of Governors are required to ensure that they have fully considered the issue of disability when dealing with any matters relating to a teacher's health and well-being.

Work Related Stress

Work related stress is a major cause of occupational ill-health that may cause sickness absence, high turnover, and poor performance in school. The Board of Governors should be approached for advice and guidance in cases where there is a possibility that occupational factors may be impacting on a member of staff's health.



Managing Teachers Attendance

Introduction

- ❖ This procedure promotes a consistent approach to teacher welfare across the school and clarifies the roles of Governors, Principals and staff.
- ❖ Governors, the Principal and all staff shall be familiar with the procedures.
- ❖ Personal and medical information on staff will be maintained confidentially.
- ❖ Individual circumstances differ and each case must be treated sensitively.

Roles and Responsibilities

Governors

- ❖ Adopt and promote the Staff Attendance Procedure.
- ❖ Ensure welfare and attendance are a regular agenda item for meetings.
- ❖ Monitor the implementation through the principal reports to promote teacher well-being and manage teacher attendance.
- ❖ Nominate a designated Governor responsible for health, welfare and attendance.
- ❖ Ensure appropriate action is taken in medical referrals to Occupational Health where a concern exists in relation to a member of staff's health and welfare.
- ❖ Ensure the Principal is effectively managing the attendance of all staff in the school.
- ❖ Promote the implementation of the policy.

Principal

Within the context of the school's pastoral care policy to:

- ❖ Monitor and manage the sickness absence of all staff in a fair, consistent and confidential manner and to report regularly to the Board of Governors on attendance issues.
- ❖ Ensure staff are informed of this procedure.
- ❖ Seek advice from the Board of Governors where medical evidence indicates a notifiable illness, work related ill health or disability which may require welfare support.
- ❖ Maintain appropriate, supportive contact with staff on sickness absence.
- ❖ Initiate requests where necessary for referrals to Occupational Health and liaise with teachers as appropriate.
- ❖ Carry out, where appropriate, attendance meetings and keep records.
- ❖ Support, as far as practicable, a rehabilitation programme recommended by Occupational Health.



- ❖ Implement any reasonable adjustment required by a member of staff's disability.

Staff

- ❖ Report all sickness absence in accordance with the procedure.
- ❖ Maintain contact with the Principal or Vice Principal during any period of absence.
- ❖ Comply with attendance arrangements at medical referrals.
- ❖ Follow professional advice aimed at ensuring a timely return to school.
- ❖ Maintain appropriate standards of conduct during sickness absence.
- ❖ Advise the Principal or Vice-Principal of any appropriate matter impacting on their health and wellbeing at home or school that may impact on their welfare.
- ❖ Inform the Principal where an absence is due to an accident outside school and a claim for damages from a third party is or will be involved.

Procedure

Monitoring Attendance

The Board of Governors recognises that staff become ill and will require support in such circumstances. To achieve this the Principal and Vice Principal will:

- Monitor and record sickness absence and report on this to the Board of Governors' meetings.
- Arrange attendance meetings where a member of staff's absence level or pattern presents a concern or where there has been no contact with a teacher during an absence period.
- Seek and act on advice as to the best means to support a staff member during a time of illness.

The Board of Governors monitors the attendance of the principal. The Principal monitors the attendance of the staff.

Monitoring ensures that:

- The Board of Governors are alerted to health and wellbeing issues and ensure they are addressed promptly.
- The Principal and Vice Principal make decisions regarding temporary arrangement such as acting up, substitute cover etc.
- The Board of Governors and Principal are aware of staff attendance levels.



In carrying out this monitoring role the Principal should ensure the process, as a minimum, identifies the following:

- Absences related to stress.
- Absences of more than 6 days in a twelve-month rolling period.
- Continuous absences of four weeks or more.

Contact During Absence

The teacher shall maintain contact with the Principal and or Vice Principal during a period of sickness absence. This should usually be when a medical statement is submitted or, monthly, during long term absence. This enables the Principal and Vice Principal to manage absences. In exceptional circumstances, where difficulties in communication arise, either party may contact the designated Governor for advice.

Where the teacher does not maintain contact, the Principal or Vice Principal should ensure that appropriate contact is re-established. Such contact should be of a friendly, supportive nature and issues related to work should normally be discussed.

Return To Work

It is the responsibility of the member of staff to report to the Principal's P.A and arrange a return-to-work meeting on the first day of their return after an absence. This is informal in nature and provides an opportunity for the Principal/Vice Principal to welcome the staff member back and discuss any support, or further action, which may be required and to complete the relevant paperwork. Teaching staff will have this meeting with the Principal, Non-Teaching staff will have this meeting with the Vice Principal.

Attendance Matters

If a member of staff's absence or pattern presents a concern, the Principal shall arrange a formal attendance meeting.

The member of staff should be asked in writing to attend the meeting and advised that they may be accompanied by a recognised trade union representative or colleague.

The purpose of the Attendance Meeting is to determine and discuss the reasons for the absence level or pattern. It is not a disciplinary meeting. The meeting provides the opportunity to discuss relevant issues including:



- To establish the current health status of the member of staff and whether there is an underlying cause for absence such as difficulty at work, a more serious health condition or a personal or domestic problem.
- To consider the need for a reasonable adjustment in the case of disability.
- To consider if a medical referral is required if this has not been established.
- To consult and agree on actions arising from the report of a medical physician.
- To confirm the accuracy of the member of staff's attendance and provide them with a copy.
- To encourage improved attendance: establish the improvement level required; the monitoring review period and the consequences of a continuing unsatisfactory level of attendance.

Following a meeting, a note of the meeting should be prepared and forwarded to the member of staff for their agreement. This should be a brief and factual report of the meeting, noting any action proposed including, for example, the introduction of reasonable adjustments, risk assessments, continuing monitoring, medical referral, potential movement to disciplinary action if attendance does not improve. The Board of Governors may be contacted for advice on any proposed course of action. The Principal and the Board of Governors shall treat all information relating to staff absence with sensitivity and confidentiality.

A follow-up meeting shall be arranged at this attendance meeting. This date may be brought forward should circumstances require it e.g. receipt of medical information.

Managing Different Types of Absence

Short Term Absence

This is frequent and minor where the overall pattern shows regular absence from school. The Principal has a valuable role to play in the management of short-term absence. He or she may be able to ascertain the facts of the situation. Where a Principal has a concern about the attendance level of a member of staff, he/she should consider the action necessary, depending on the circumstances of each case. The Board of Governors may be contacted for advice and assistance and information on individual absence levels. These matters can normally be dealt with during the informal return to work discussions. However, in situations where the frequency of absences gives cause for concern, the Principal/Vice Principal may wish to conduct an Attendance Meeting. In cases of persistent short-term absence, where no underlying medical cause has been identified, consideration should be given to the use of the Disciplinary Procedure. The Principal/Vice Principal must consult the board of governors before invoking the Disciplinary Procedure.



Persistent Intermittent Absence

This is regular short and /or long-term absence which may or may not have an underlying medical condition. The management of this type of absence requires sensitive judgement and the Principal, Vice Principal and Governors should be aware of the Disability Discrimination Act and the need to make reasonable adjustments. Attendance meetings should be conducted and medical information obtained where:

1. It is medically established that a member of staff is not suffering from any significant debilitation illness, and
2. Management intervention has failed to achieve improved attendance.
3. The relevant procedure may be invoked.

Long Term Absence

When a member of staff has been absent for 4 weeks continuously, there is no indication of an imminent return to work, and the Principal/Vice Principal has a concern, the situation should be assessed in consultation with the Board of Governors. Each case will be dealt with sympathetically. While early referral to Occupational Health may be a factor in the effective management of long-term absence, consideration should be given to the timing of the referral, based on the nature of the illness. Where a referral is being made the Principal/Vice Principal should contact the member of staff and advise them of the referral process.

On receipt of the report from the Occupational Health Physician, the Principal/Vice Principal will notify the Board of Governors and the member of staff of the outcome of the medical assessment and provide the member of staff with a copy of the report if requested, subject to medical advice. The Principal/Vice Principal and where appropriate a Governor, may meet with the member of staff to discuss the report and agree on any action necessary. An attendance meeting may take place with the teacher to discuss the report and any further action necessary.

Suspension of Sick Pay

In circumstances where a member of staff submits his/her Fitness to Return to Work Certificate but cannot resume work due to a referral to the Occupational Health Physician, sick pay shall be suspended effective from the date of the certificate. The teacher will from the effective date be paid in accordance with Teachers' Pay Regulations/ Where the Occupational Health report continues to indicate unfitness to work, payment will recommence in accordance with Sick Pay Regulations.



Reporting Absence

Where illness prevents a member of staff from attending school, he/she must:

- Notify the Principal/Vice Principal by phone before 8.00am on the first day of absence and indicate the nature of the illness and the possible duration (**See Appendix 1**). In the exceptional circumstance when a teacher is unable to notify the school, a relative or friend may do so. In the case of a Principal, he/she should notify the Vice Principal.
- Ensure the Principal/Vice Principal is kept informed of the progress of the illness, in order that alternative arrangements can be put in place.
- Provide any documentation promptly in support of any absence from work due to sickness as follows:
 - (i) From day 1 to 7 calendar days: self-certification form must be submitted to HR as soon as possible and not later than the 7th day of absence, to ensure sick pay.
 - (ii) More than 7 days: doctors' statement must be submitted to HR before the expiry of the 2nd week of absence.
 - (iii) Subsequent doctor's statements must be submitted to HR as soon as possible, following receipt, to ensure continuation of sick pay.
- Adequate notification must be given to the Principal/Vice Principal in advance of the date of return to teaching, so that arrangements for cover can be discontinued. If the absence has been 4 weeks or more duration, one week's notice of intention to return to work must be given to the Principal/Vice Principal (or in the case of the Principal, to the Vice Principal).

Teachers' Salaries Regulations 1993 Regulation 18 (8) (b) states:

"A teacher who has been absent because of illness for a total of 20 working days in any year ending 31st March and who has not submitted a doctor's statement in respect of any of those 20 days shall not be entitled to salary for any subsequent days of absence through illness in that year unless he/she furnishes a doctor's statement."

Where the original doctor's statement covers a period of time and the teacher wishes to return to work before the date noted on the doctor's statement, the teacher must attend the doctors and submit to HR a medical statement certifying fitness to return to full duties.

Failure to comply with reporting Absence Procedures may result in the absence being unpaid regarding unauthorised pay being withheld and/ or disciplinary action being taken.



Sickness Absence Prior To And During School Closure Periods.

If a return to work occurs within the two-week period prior to a holiday period (i.e. Summer, Christmas and Easter) and the teacher suffers a relapse of the previous illness prior to the commencement of the new term preventing a return to work, arrangements may be made for a referral to an Occupational Health Physician designated by the Board of Governors.

Conduct During Absence

In all cases of sickness or injury, which necessitate time off school, members of staff will do their utmost to facilitate a speedy return to fitness and to work. Some activities, such as the exemplare below, may be considered inconsistent with genuine sickness or injury and may result in disciplinary action being taken.

- Participating in sport, hobby, social activity which is inconsistent with the illness or injury, could aggravate the illness or injury or delay recovery.
- Undertaking any employment whether paid or unpaid, without prior approval, other than the therapeutic reasons approved by a doctor.
- Altering or causing to have altered details on a medical statement e.g. dates or signature.
- Failure without cause to attend meeting or medical referrals.
- Taking holidays during sickness absence – except where permitted by a doctor and with the Principal's knowledge.

The type of behaviour expected by staff will depend upon the individual nature of the case and the nature of the severity of the illness. Principals shall be alert to such issues and seek advice from the Board of Governors on any substantial incidents which come to their attention.

Medical Information

Medical opinion may be sought in the following ways:

- A member of staff may be asked to give his/her written consent for his/her doctor to be approached for a medical report and/or.
- A referral may be made to an Occupational Health Physician or Specialist designated by the Board of Governors.

A member of staff may be referred to an Occupational Health Physician in the following circumstances (This list is not exhaustive)

- There is concern about a member of staff's health and well-being.
- An individual's absence gives the Principal/Vice Principal cause for concern.



- A member of staff has been on prolonged sickness absence and wishes to return on a temporary/permanent alternative working pattern, for medical reasons.
- Where the Principal/Vice Principal has been notified that the member of staff is disabled or suffering from a disability.
- Absences lasting three months or more due to a psychiatric disorder (DE Circular 2005/13 refers)

Occupational Health Assessments

It is the responsibility of the Principal to initiate a request to the Board of Governors for a referral to an Occupational Health Physician. The Principal should discuss this with the member of staff and inform him/her of the request for medical referral. A teacher member of staff shall attend this medical assessment by an Occupational Health Physician, if directed by the Principal. Failure to attend without reasonable cause will result in the costs associated with the referral being the responsibility of the teacher and any result in the withholding of sick pay and/or disciplinary action.

On receipt of the report of the Occupational Health Physician the Principal will notify the member of staff and the Board of Governors of the outcome of the medical assessment and provide the member of staff with a copy of the report if requested, subject to medical advice. The principal will be advised of the staff member's fitness for work, or otherwise, including, where appropriate, any recommended action.

It is the responsibility of the Board of Governors to meet any costs incurred in obtaining medical opinions.

Access to Medical Reports

All information acquired by the Board of Governors on staff member's health matters should be treated with sensitivity and access restricted to the relevant decision bodies.

There will be certain occasions whereby a member of staff's absence may be due to medical reasons, which are of a highly sensitive nature and on such occasions these details will be communicated to Board of Governors. The prognosis in terms of likely duration and its continued effect on attendance are the main concerns of the Board of Governors when making any decision regarding this type of absence.

Individual members of staff have the right, if requested, to see any medical report relating to them which is supplied by any medical practitioner where that report has been requested for employment purposes. Such a report shall comply with part III of the Access to Personal Files and Medical Reports (Northern Ireland) Order 1991. Release of such reports will be subject to medical advice.



Reasonable Adjustment

Where the Occupational Health Practitioner has indicated that a staff member may meet the definition of disability, as defined by the Disability Discrimination Act 1995, it will be necessary to consider the possibility of reasonable adjustment. The advice of the Board of Governors should be sought on “reasonable adjustment”.

Phased Return to Work

In circumstances where a recommendation is made by the Occupational Health Physician that a phased return to work would assist a staff member, this should, where possible, be facilitated by the Principal, in line with the needs of the school. The time span of the phased return to work should normally be based on occupational health advice will be reviewed regularly. Such arrangements shall normally not last for more than four weeks. Normal salary will be paid during phased return to school.

Termination of Employment on the Grounds of Ill Health

It may be necessary to consider the following final actions if, after a period of consultation and monitoring, attendance has not improved or is unlikely to improve.

Retirement on the Grounds of Ill Health

Retirement on the grounds of ill health and any subsequent pension entitlements will only be granted when it is the opinion of the occupational health physician appointed by the DE that the member of staff is permanently incapable of carrying out his/her duties due to a medical condition.

Termination on the Ground of Ill Health/Capability.

If all the available medical evidence indicates that a member of staff is not fit to return to work within a reasonable period, the Board of Governors, following consultation with the member of staff and his/her representative, may determine that a member of staff's employment should be terminated on the grounds of ill health. In such circumstances the appropriate procedure (Termination of Employment of Teachers on the Grounds of Ill Health or Capability TNC 2000/4) will apply.



Termination on the Grounds of Some Other Substantial Reason, e.g. failure to provide a regular and sustained service.

If in considering all available information and following consultation with the member of staff and his/her representative, it is determined by the Board of Governors that the member of staff can no longer fulfil his/her contractual duties, the staff member's contract may be terminated on the grounds of some other substantial reason i.e. failure to provide a regular service and sustained service. In such circumstances the appropriate procedure will apply.

Medical Recommendation to Return to Work

Where following a medical referral the medical adviser indicates that a member of staff is fit to return to work, the staff member will be advised and a date will be set for return. If the member of staff disagrees with the determination of the medical advisor he/she will be offered the facility to appeal against the instruction to return. Such appeal must be lodged within 5 working days of the notification to return and must be accompanied by additional medical evidence which was not available at the time of the referral. Sick pay will be suspended from the expected date of return pending the outcome of the review. The Board of Governors will nominate an independent medical adviser, not involved previously in the case, to consider the appeal, and seek the member of staff's agreement to the nomination.

An objection to a nominated independent medical adviser must state the grounds of objection. No more than one objection will be allowed. The opinion of the medical adviser will be final and binding on both parties.

If the appeal is upheld, sick pay will be restored and a decision will be taken on continued employment or continued monitoring. If the appeal is not upheld the staff member will be given one final opportunity to return to work. If the member of staff fails to return to work, he/she will be deemed to have terminated his/her contract of employment with immediate effect.

Sickness Absence During the Application of Procedures

Where a member of staff, who is subject to investigation/s or other procedures, e.g., Disciplinary Procedure etc, absents him/herself on health grounds, the Board of Governors reserves the right, at any stage, to require the member of staff to submit to a medical examination by an Occupational Health Physician and to progress the investigation or other procedural action, as appropriate.



Appendices

- (a) Procedures for reporting absence.
- (b) Absence report form
- (c) Invitation to Attendance meetings
 - First meeting
 - Follow – up meeting.
- (d) Format to record Attendance meeting.
- (e) Data Protection
- (f) Disability Discrimination



Appendix A

Procedures for reporting absences

- If you cannot come to work, you should contact the Principal or Vice Principal on the first morning of absence at 8.00am at the latest.
- The office is open at 8.00am. You must phone the office and confirm that you have spoken to the Principal or Vice Principal and confirm that you will be absent from work.
- Office staff will pass on messages from staff who, in unforeseen circumstances, may find themselves unable to be in school at 9.00am but, in all cases, the teacher must contact the Vice Principal (person in charge of cover) to arrange cover for their class.
- In your initial contact, you should give some idea of the reason for your absence or the nature of your illness and, if possible, how long you will be absent from work. If you are unsure of the length of your absence, you will be expected to contact the Principal/Vice Principal before 3.00pm that day to inform them when you will be returning to work.

On your return to work:

- (i) You report to the Principal before 9.00am
- (ii) If the Principal is out of school when a member of staff returns to work, then you report to the Vice Principal.
- (iii) You must complete an absence report form (Appendix B) available from and returned to HR.

In accordance with our Attendance Policy, absences will be monitored. The yearly cycle will run from 1st April to 31st March of the following year.



Appendix B



Name: _____

Address: _____

Post Held: _____

Date of First day of absence ____/____/____ Date of Last day of absence ____/____/____

Date of Return to work: ____/____/____

Number of days absent: _____

Absence caused by

1. Sickness

Nature of illness: _____

2. Accident outside work

Nature of accident: _____

3. Other

Description: _____

I confirm that I was unable to attend work as detailed above due to illness/injury:

Signature _____

Date ____/____/____

Principal/Vice Principal _____

Date ____/____/____





Invitation to Attend Attendance Meeting

Dear

I refer to your absence from work absence record, a copy of which is enclosed.

I have arranged a meeting at _____(time) on _____(date) in Mr Mallon's office to discuss your absence record, the reasons for your absence and to consider any ways in which you could be supported in improving your attendance. Please note that you have a right to be accompanied to this meeting by a work colleague or a Trade Union Representative.

I would like to reassure you that our Board of Governors is committed to the health and welfare of our staff and the main purpose of the meeting will be to support and improve your attendance levels. I would like to draw your attention to the Teacher Welfare Service for confidential advice and assistance.

In the meantime, do not hesitate to contact me if you have any questions or concerns.

Yours sincerely

Principal

ENC: Work Absence Record.

H. Hamill February 2024





Invitation to Follow-Up Attendance Meeting

Dear

I refer to our meeting of _____(date) in which we agreed it would be appropriate to review your attendance after _____(months/weeks) We agreed that this meeting should be held at _____(time) on _____(date) in _____(venue)

Options:

Unfortunately, it appears that the improvement we had sought has not been achieved and it may now be necessary to obtain medical information to ascertain whether there is an underlying medical cause for your continued absence. To this end, I have enclosed a Medical Report Consent Form so that you might consider granting access to relevant medical information. Alternatively, the Governors may consider a referral to an Occupational Health Physician.

Or:

I am pleased that there has been a marked and sustained improvement to your attendance and the meeting will focus on how best your continued attendance may be supported.

Or:

At this meeting you were advised that a medical referral would be arranged. We have now received the medical report and wish to meet and discuss the issues arising with you.

I would be grateful if you would confirm your attendance at this meeting by _____(date) and remind you have a right to be accompanied by a work colleague or a Trade Union Representative.

Again, I would draw your attention to the confidential Teacher Welfare Service.

In the meantime, please do not hesitate to contact me if you have any questions or concerns.

Yours sincerely,

Principal

ENC: Medical Report Consent Form

H. Hamill February 2024



Appendix D



St. Anthony's Primary School, Craigavon

Record of Attendance and Follow-Up Meetings

Name: _____ Accompanied by: _____

Date of Meeting: ____/____/____ Number of Days Absent: _____

(Within last 12 months)

Summary of Medical Conditions: (Indicate if the member of staff is receiving treatment from GP/Consultant and record the name and address.)	
Effects of absence and impact on the school: (Identify all difficulties that the school faces as a consequence of the continued absence.)	
Disability: (Specify and identified disability issues which may/may not require adjustment to working conditions.)	
Consequences of continued absence: (Specify any identified actions which might have to be considered if absence continues.)	
Details of Actions taken/proposed: (Record any identifies actions which have been proposed or agreed by either party.)	
Review Agreements: (Record the agreements on improvements required and review dates.)	

These details are an accurate reflection of the meeting. I have received a copy if my absence record.

Signature (Member of Staff): _____

Signature (Colleague or Union Rep.): _____

Signature (Principal): _____



Appendix E

Data Protection

The Board of Governors must comply with the Data Protection Act 1998 (DPA) when they collect, use and store information, manually recorded or on a computer, about their staff absences. Details of a member of staff's health, either physical or mental, are categorised as "sensitive personal data under the DPA. Under the DPA, any organisation must be open about why they are collecting and keeping the information. Staff should know what information about their health is being collected and why. Collecting information about teacher's health without them knowing is unlikely ever to be justified.

The Information Commissioner has published an "Employment Practises Code" which gives more advice and information on data protection law. You can download this code from the Information Commissioner's website at

www.ico.gov.uk

Or you can contact the Information Commissioner's Office – Northern Ireland,

Room 101,
Regus House,
33 Clarendon Dock,
Laganside,
Belfast
BT1 3BG

Phone: 02890511270



Appendix F

Disability Discrimination Act: (DDA)

The DDA defines disability as “**a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities.**”

Physical Impairment: This includes, for instance, a weakening of part of the body (eyes, ears, limbs, internal organs etc.) caused through illness, by accident or from birth. Examples would be blindness, deafness, paralysis of a leg or heart disease.

Mental Impairment: This includes mental ill health and what is commonly known as learning disability.

Substantial: Put simply this means the effect of the physical or mental impairment on ability to carry out normal day to day activities is more than minor or trivial. It does not have to be a severe effect.

Long term Adverse Effects: The effect has to have lasted, or be likely to last, overall for at least twelve months and the effect must be a detrimental one. A teacher with a life expectancy of less than twelve months is, of course, covered if the effect is likely to last for the whole of that time.

Normal day to day activity: This is something which is carried out by most people on a regular frequent basis, such as washing, eating, catching a bus or turning on a television. It does not mean something so individual as playing a musical instrument to a professional standard or doing everything involved in a particular job.

The teacher must be affected in at least one of the respects listed in the DDA:

- ❖ Mobility
- ❖ Manual Dexterity
- ❖ Physical coordination
- ❖ Continence
- ❖ Ability to lift, carry or otherwise move everyday objects.
- ❖ Speech, hearing or eyesight
- ❖ Memory or ability to concentrate, learn or understand or
- ❖ Perception of risk of physical danger

If the effects of the disability are reduced by medication or other treatment, then the relevant effects are those that would be present if there was no medication or treatment taking place. There is an exception to this rule for teachers who wear spectacles or contact lenses, then the relevant effects are those that remain while the spectacles or contact lenses are being used.



Special provisions cover particular conditions which might otherwise not be considered as disabilities. These are provisions covering:

Recurring or Fluctuating conditions such as arthritis, where the effects can sometimes be less than substantial, which are treated as continuing to have a substantial adverse effect so long as that effect is likely to recur.

Conditions which progressively deteriorate such as motor neuron disease, which count as having a substantial adverse effect from the first time, they have any effect on the ability to carry out normal day to day activities even if it is not substantial, so long as there is eventually likely to be a substantial adverse effect.

Severe Disfigurements which are treated as having substantial effects on the ability to carry out normal day to day activities, even if they have no actual effect at all.

Teachers with cancer, HIV infections or Multiple Sclerosis will be deemed to be disabled people without the need to show that conditions have an adverse effect on their normal day to day activities.

The following conditions do not count as impairments:

- ❖ Addiction or dependency on alcohol, nicotine, or any substance (unless resulting from the substance being medically prescribed)
- ❖ Seasonal allergic rhinitis (e.g., hay fever) unless it aggravates the effect on another condition;
- ❖ Tendency to set fires, or steal, or physically or sexually abuse other persons.
- ❖ Exhibitionism and voyeurism and
- ❖ Disfigurements consisting of tattoos, non-medical body piercing or attachments to such piercing are not treated as having substantial adverse effects.

Much of the DDA also applies to staff who have had a disability in the past for example, someone who was disabled by mental health but who has now fully recovered. Staff who were registered disabled under the Disabled Persons (Employment) Act (Northern Ireland) 1945 both on 12th January 1995 and 2nd December 1996 will be regarded as having a disability in the past, if they do not otherwise fall within the definition of the DDA.



Managing staff who become disabled because of sickness may mean governors have to make “reasonable adjustments,” as explained in the disability Discrimination Act 1995, before they can return to their job. The types of adjustments that governors might have to consider include:

- Making physical adjustments to the workplace
- Passing some of the disabled teacher’s duties to another person
- Transferring the disabled teacher to another vacant post, with or without reasonable adjustments being made.
- Altering the disabled staff member’s working hours through for example, part-time working, job-sharing, or other flexible arrangements and
- Providing special equipment to help the disabled teacher carry out his or her tasks and giving training in how to use the equipment.

