

30 September 2021

SNCT/21/84

COVID-19 and Long COVID

Temporary Additions to SNCT Handbook

Dear Colleague

1. Approach to Employee Absence Caused by COVID-19

The overarching principle from the Scottish Government and the Scottish Trades Union Congress (STUC) joint statement on fair work expectations to which COSLA is a signatory is that no worker should be financially penalised by their employer for following medical advice, and any absence from work because of COVID-19 illness, or while infectious, should not affect future sick pay entitlement, or count towards any future sickness absence related action. This statement applies to workers who are sick or self-isolating under the Test and Protect strategy.

As the pandemic is addressed by recovery measures during 2021 the SNCT has agreed the following principles:

- Medically diagnosed time off ill with a new COVID-19 infection will be treated as paid special leave¹ for the duration that the person is continuously unable to work, or twelve weeks, whichever is shorter. This leave will be separate to sickness absence entitlements and should not be accumulated with non-COVID-19 related absences in future absence management figures. It is recognised that some councils may not be able to use the term “paid special leave” and may instead classify it as some form of “sickness absence” because of reporting or other considerations. Normal requirements to provide medical certification will apply.
- Individuals can contract COVID-19 more than once. If a subsequent, separate, COVID-19 infection is diagnosed it should be treated in the same way because the employee will, once again, potentially be able to transmit the virus.
- A medical diagnosis of “Ongoing Symptomatic COVID-19”, “Post-COVID-19 syndrome”, or “Long COVID” that prevents normal working outwith the continuous absence period defined above should be addressed under existing sickness pay arrangements and absence policies.

¹ The term “paid special leave” is used in this circular. A council may use its own terminology, including sickness absence, to describe and apply this so long as the principles in this circular are achieved.

- In any situation where an absence is attributed to COVID-19, and it is subsequently established to be another illness the individual will be moved to normal sickness provisions. For example, a person may self-isolate because of COVID-19 symptoms and following testing it is established to be some other illness.
- If an employee is asked to self-isolate through “test and protect”, medical advice, or similar arrangements and can work remotely, they should do so and be paid normally. This includes for asymptomatic infection with COVID-19. If they are unable to work paid special leave should be granted. Quarantine because of discretionary foreign travel is not covered by this principle.
- This agreement will be incorporated into the Pay and Conditions of Service for teachers and associated professionals employed by Scottish Councils (SNCT Handbook) as a temporary addition.
- For avoidance of doubt, the effect of the period of special leave because of COVID-19 infection or self-isolation is to pause the impact of absence upon sick pay entitlements. This means that a person diagnosed with another condition, including “Long COVID” “Ongoing symptomatic COVID-19” or “post COVID-19 syndrome”, after the period of special leave will have at least the same entitlement to full pay and half pay as they would have had when the original absence for COVID-19 commenced.

The progress of the pandemic cannot be predicted and may be impacted by vaccination, changes in the characteristics of the disease, national policy, and medical or other developments. The provisions outlined in this circular will continue to apply until 1 March 2022 when they will be withdrawn. Prior to their withdrawal, and by mutual agreement of all three parties (Employers, Employee Representatives and Scottish Government), further temporary provisions may be agreed which could include extension or modification of the provisions in this circular beyond 1 March 2022.

2. Changes to the SNCT Handbook

New paragraphs, numbered 6.36.1 and 6.36.2 will be temporarily added to Part 2 Section 6 of the SNCT Handbook after paragraph 6.36:

COVID-19

- 6.36.1 Absence from work with acute COVID-19 and/or Ongoing symptomatic COVID-19 will be treated as paid special leave for the duration that the person is unable to work, or 12 weeks, whichever is shorter. This leave will be separate to other sickness absence entitlements. Where Post-COVID-19 syndrome is diagnosed outwith this period that prevents normal working, an employee will be paid under existing sickness pay arrangements and normal attendance policies will apply.
- 6.36.2 If an employee is asked to self-isolate through test and protect, medical advice or similar arrangements and can work at home, they should do so

and be paid normally. If they are unable to work paid special leave should be granted.

3. SNCT Letter of Advice

The SNCT Letter of Advice JS/21/82 remains in place and in line with this, the Joint Secretaries recommend as good practice aligning with the Fair Work Statement to ignore any periods of special leave of the kind specified in this circular related to COVID-19 for attendance management purposes including in the calculation of trigger levels.

4. Implementation and Duration

This should be implemented to take 12 weeks retrospective effect from the date the agreement was reached.

It is recognised that some employees with Long COVID will have been affected by it for longer than this. It is recommended that COSLA Employers' Team *Human Resources Advisory Circular 070 Long COVID Provisions and Retrospective Effect* is referred to when deciding about these cases.

This collective agreement will be withdrawn no later than 1 March 2022.

Yours sincerely

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Louise Wilson (Teachers' Panel)
Stephanie Walsh (Scottish Government)

Joint Secretaries

To: Chief Executives
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