



STUCK NOT SICK

Policy and Procedure

1 Introduction

The Council acknowledges that employees will occasionally need unplanned time away from work. We accept that our employees are sometimes unwell, but this is just one reason why they may need time off from work. They may for example have a bereavement in the family and require time off from work and there are already established procedures to deal with circumstances such as these.

This policy includes school-based employees where the governing bodies of individual schools have adopted the policy.

Employees should have contingency plans in place should childcare/caring arrangements fail however in certain circumstances where the situation is beyond their control the Stuck Not Sick Procedure may be requested.

The Stuck Not Sick Policy applies to situations which occur with little or no notice, where an employee is not sick, but they are genuinely stuck i.e. the Child Minder lets them down, or the washing machine breaks down and the kitchen is flooded.

2 Alternative Arrangements

A number of informal arrangements already exist for employees who are faced with emergencies and require limited time away from work to deal with them. This may involve swapping shifts where possible or taking unpaid leave. Whilst this gives some flexibility around time away from work, it means employees may suffer a reduction in pay.

Consideration should be given to using the Flexible Working Hours Scheme before using Stuck not Sick, for those with access to it. The Flexible Working Hours Scheme provides flexibility around start and finish times providing employees do not exceed the parameters laid down by the Scheme i.e. carrying a debit balance of no more than 10 hours into the next accounting period.

3 The Policy

The Stuck Not Sick arrangements are available to all employees but as set out above, should not be required for those with access to the Flexible Workings Hours Scheme. Approval for Stuck Not Sick time must be sought from managers/Head Teachers and is at their discretion. There is no right of appeal against the manager's decision.

This policy is in place for occasional use and employees must not rely on it. Hours will be taken and repaid within an agreed time period preferably within 4 weeks. A limit of 15 hours stuck not sick time will be applied for employees (pro rata) which is the maximum an employee can owe the Council/School. Until some hours are re-paid, no further stuck not

sick time will be allowed. For example, someone who owes 15 hours stuck not sick time but has only re-paid 7.5 hours will only be able to take a further 7.5 hours stuck not sick time until they repay some of the hours they owe.

No more than one standard working day will be allowed on any one occasion. Longer periods of time off can be dealt with using other leave procedures. Stuck not sick time is for short term crises only.

Wherever possible, an employee must contact their manager/Head Teacher and request to take time off using stuck not sick. The employee must agree with their manager/Head Teacher how they will repay the stuck not sick hours. The Stuck Not Sick – Repayment Agreement (Appendix A) must be completed by the manager to record the stuck not sick time taken, repayment methods and timescales. Copies of the form should be held on the employee's personal file and a copy sent to the HR Operations Team.

Repayment of stuck not sick hours is at the discretion of managers/Head Teachers in consultation with the employee and taking into account service requirements. Options on how to repay stuck not sick time could include:

- Working extra hours to repay stuck hours
- Working additional shifts to repay stuck hours
- Use of annual leave
- Use of flexi leave
- Use of lieu time
- Unpaid leave
- Salary deduction (refer to FAQs below).

For those employees who work fixed hours or shifts, or where the opening times of establishments restricts the ability to work additional hours, alternative arrangements may be considered by agreement between the manager/Head Teacher and employee. This may include working outside of normal working hours (at plain time) or at another establishment, providing work of a suitable kind is available which is of an appropriate grade, the employee is suitably trained, and a risk assessment has been carried out.

4 Frequently Asked Questions

- **Can a manager/Head Teacher question how genuine the “stuck” is?**

Managers/Head Teachers will generally take a request on face value. As an employer we trust our employees to act in good faith and use this scheme when they are genuinely in need of some short-term time away from work which is not sickness. Hours taken as stuck not sick will be repaid by agreement between employee and their manager/Head Teacher.

- **Can we allow employees to use leave from next years' holiday entitlement to repay stuck not sick hours?**

If an employee has used all of the current year's holiday entitlement, managers/Head Teachers may use their discretion to allow a limited amount of leave to be brought forward.

- **Must employees contact work by a certain time if they are stuck?**

Employees must contact their manager/Head Teacher as soon as they can to request stuck not sick time and preferably before the time that they are due to start work allowing sufficient time for managers to arrange cover when required. It is accepted that there may be times when it might not be possible to make contact within these timescales. In such circumstances, employees must make contact as soon as they can. However, stuck not sick time is given at the discretion of managers/Head Teachers and the employee must not assume their request will be approved and they may need to use leave or unpaid leave to cover their time off.

- **If additional hours cannot be worked to repay stuck not sick hours, can we make deductions from wages?**

The Stuck Not Sick - Repayment Agreement Form, which is signed by the employee, sets out that the Company reserves the right to make a salary deduction if the hours are not repaid. However, deductions from wages should be seen as the last resort unless this is the employees preferred option to pay back stuck not sick time. There may be some posts where, due to the nature of the role or the working pattern, it will be impossible for employees to work additional hours either in their own position or an alternative position to repay hours owed. In such cases if the employee is unwilling to take unpaid leave then a request for stuck not sick time may be refused.

Where hours owed are not repaid within the timescale agreed with the manager, the appropriate Head of Service has the right to authorise a deduction in salary to repay the hours owed. For schools, the Head Teacher would have the right to authorise a deduction in salary.

- **If employees work an additional shift at the weekend to repay stuck not sick hours, do we have to pay premium rates?**

No, no additional payment will be made.

- **If someone repays their time on a Sunday when double time applies do they only have to work half of the hours that they owe?**

No, they must work all of the hours they owe.

5 Abuses of the Scheme

Any abuse of the scheme will be considered as very serious. Action may be taken including withdrawal of the Scheme and/or disciplinary action instigated where appropriate. Any concerns should be addressed by the manager in consultation with HR.

6 Equality and Diversity Statement

South Tyneside Council and School Governing Boards are committed to promoting equality and valuing diversity. An equality check was carried out in July 2021. No equality implications were identified in this policy.

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