



03 June 2022

Tēnā koe [REDACTED]

Thank you for your email of 5 April 2022 to the Ministry of Education requesting the following information:

I am investigating the access of sick leave for casual relievers working within schools.

- 1. I think I am correct that the payment of sick leave is expensed out of operational funding within each school cost centre. I would like to know the calculations that apportion this money to each school. Is any money considered for relieving teachers within this calculation?*
- 2. I would like to know the history of this current sick leave system. Was sick leave ever managed from a centrally managed pool of funds? If so, when was the change from this to within school cost centres introduced?*
- 3. I understand that the ministry will top up a school's cost centre when sick leave extends over 2 weeks continuous period. I would like to know when this was introduced into the current system, whether as an ammendment or from its enactment.*
- 4. I would like to know how much money the ministry contributed to schools through this top up mechanism in 2021.*
- 5. Whether intended or not, I am interested in seeing if there is an issue of access to sick leave for relievers compared to permanent/fixed term teachers.*
- 6. I would like to know how many days (more or less) relievers worked during the 2021 school year.*
- 7. I would like to know how many sick days relievers claimed during the 2021 school year.*
- 8. I would like to know how many days (more or less) permanent and fixed term teachers worked during the 2021 school year.*
- 9. I would like to know how many sick days permanent and fixed term teachers claimed during the 2021 school year.*
- 10. I would like to know if there is any avenue for a reliever 'not yet booked by a school but sick on a day they would normally be available for teaching' to access their sick leave entitlement?*
- 11. Please provide any legal guidance the ministry has received on the above.*

Your request has been considered under the Official Information Act 1982 (the Act). Our response to your individual questions is outlined below.

1. I think I am correct that the payment of sick leave is expensed out of operational funding within each school cost centre. I would like to know the calculations that apportion this money to each school. Is any money considered for relieving teachers within this calculation?

Based on schools' roll returns, we calculate the number of teaching positions a school will need and fund a set number of sick days for each teacher. Individual teachers apply for and use their sick days when necessary. School boards are responsible for the financial governance of their schools and determine how to respond when they need additional and emergency relief.

More information about relief teacher funding is available at: <https://www.education.govt.nz/school/funding-and-financials/resourcing/operational-funding/operational-funding-components/#Relief>.

2. I would like to know the history of this current sick leave system. Was sick leave ever managed from a centrally managed pool of funds? If so, when was the change from this to within school cost centres introduced?

The arrangements for day relief teachers have changed significantly over the history of our education system. In 1992, funding for day relief teachers was transferred to schools. Since 2000, teachers' sick leave entitlement has been based on their length of service, as shown in the table below:

LENGTH OF SERVICE	AGGREGATED SICK LEAVE
Up to 3 months	7 days
Over 3 months and up to 6 months	14 days
Over 6 months and up to 9 months	31 days
Over 9 months and up to 5 years	46 days
Over 5 years and up to 10 years	92 days
Over 10 years and up to 20 years	154 days
Over 20 years and up to 30 years	229 days
Over 30 years	306 days

Since the 2016-2019 Area School Teachers' Collective Agreement (ASTCA), the following clause on short-term relief teachers' sick leave has applied:

5.1.1 (c) – Notwithstanding clause 5.1.1(a) above, a short-term relieving teacher has a sick leave entitlement based on the aggregate of the service completed since the last date of permanent employment, where every 190 days or 950 hours of short-term relief service equals one year of sick leave service.

Prior to the 2016 ASTCA, the following clauses regarding short-term relief teachers applied:

5.1.3 – A short-term relieving teacher or a retired teacher shall have a sick leave entitlement on the basis of service completed since the last date of permanent employment.

5.1.4 – For the purposes of this clause, "service" in relation to the total period of an employee's service means full-time employment as a teacher by an education board, a secondary school board, the controlling authority of a technical institute or community college, a free kindergarten association, a teachers' college, the Ministry of Education, a university, or an agricultural college; as a teacher in Fiji, the Cook Islands, Tonga, Western Samoa or Niue, and active military service. Service as an officer in any branch of the New Zealand Government service (including the armed forces) may be equated to education service for sick leave purposes on such terms as the Secretary for Education may approve. Part-time teaching service is assessed on the basis that 80 hours equal one month's service or 1,000 equal one year's service, and so on for periods in excess of this. Where part-time service consists of 20 or more class contact hours per week, it may be credited as full-time service.

5.1.5 – Service does not include study time either before entry into the education service or during the period of unemployment (although it would include study time while on leave with pay), teaching in private schools, (except for teachers in integrated schools), teaching overseas, except in the Pacific countries listed in clause 5.1.4, trade service, or service with the armed forces of an allied power.

3. I understand that the ministry will top up a school's cost centre when sick leave extends over 2 weeks continuous period. I would like to know when this was introduced into the current system, whether as an amendment or from its enactment.

The Ministry does not automatically top up a school's cost centre when sick leave is extended over two weeks. However, schools do have access to the Additional Relief Teacher Fund (ARTF). This needs to be requested from the Ministry.

The ARTF is a centrally managed fund available to schools to help with the costs of hiring a relief teacher due to the absence of a teacher under certain leave criteria. Additional funding will only be granted if specific conditions are met. One such condition is that the funding is only available after eight consecutive days of illness in one school year, or recurring illness for more than eight days in a school year. In most cases, schools are required to fund the first eight days of a teacher's absence. This application-based fund was introduced from the beginning of 2004.

More information about additional relief teacher funding and eligibility criteria is available at: <https://www.education.govt.nz/school/funding-and-financials/resourcing/additional-relief-teacher-funding/>.

4. I would like to know how much money the ministry contributed to schools through this top up mechanism in 2021.

There is no top-up mechanism to a school's cost centre when sick leave extends over two weeks' continuous leave. For the application-based-ARTF, the funding provided to schools in 2021 was just under \$9 million.

5. Whether intended or not, I am interested in seeing if there is an issue of access to sick leave for relievers compared to permanent/fixed term teachers.

Day relievers are employed by schools on short-term agreements, and are covered under their appropriate collective agreement. This includes their sick leave entitlement.

Relief teachers accrue sick leave based on their service, as per the relevant collective agreement. For example, a teacher who leaves ongoing employment and picks up relief teaching work will remain entitled to access any unused accrued sick leave they earned during their teaching service. Relief teachers also continue to accrue sick leave for any relief teaching that they undertake.

6. I would like to know how many days (more or less) relievers worked during the 2021 school year.

The data you have requested is not recorded as days, but in time-units of hours, as that is the basis of payment to staff, and it is difficult to convert hours to days or weeks. As such, this part of your request has been refused under section 18(g) of the Act, as the Ministry does not hold the information in the format requested, and I have no grounds to believe that it is held or more closely related to the functions of another department or interdepartmental venture or Minister of the Crown or organisation, or by a local authority.

However, we are providing you the information in hour format. Please find below information on hours that day relievers were paid:

- *Number of hours coded to 'salary' in 2021: 2,079,505 hours.*
- *Number of hours coded to 'other' activities in 2021: 199,031 hours.*

7. I would like to know how many sick days relievers claimed during the 2021 school year.

As above, the information you have requested is not recorded in the format you have requested. As such, this part of your request has also been refused under section 18(g) of the Act. However, we are again providing you the information in hour format, as that is the basis of payment to staff:

- *Number of hours coded to 'sick leave' in 2021: 13,128 hours.*

8. I would like to know how many days (more or less) permanent and fixed term teachers worked during the 2021 school year.

As above, the information you have requested is not recorded in the format you have requested. As such, this part of your request has also been refused under section 18(g) of the Act. However, we are again providing you the information in hour format:

- *Number of hours coded to 'salary' in 2021: 52,128,900 hours.*
- *Number of hours coded to 'other' activities' in 2021: 19,548,640 hours.*

9. I would like to know how many sick days permanent and fixed term teachers claimed during the 2021 school year.

As above, the information you have requested is not recorded in the format you have requested. As such, this part of your request has also been refused under section 18(g) of the Act. However, we are again providing you the information in hour format:

- *Number of hours coded to 'sick leave' in 2021: 1,242,471 hours.*

10. I would like to know if there is any avenue for a reliever 'not yet booked by a school but sick on a day they would normally be available for teaching' to access their sick leave entitlement?

Relief teachers are employed on an as-required basis, and therefore work is not guaranteed for this workforce. They may be called to work on the day or booked some days or weeks in advance for casual work.

Relief staff who have accepted work from a school and are no longer able to undertake this work due to illness, or illness of a dependant, are able to use their sick leave entitlement to receive payment for that booking. This can be claimed by lodging a request for sick leave with the school that engaged them.

For relief staff who had work booked and subsequently contract COVID-19 or are required to isolate as a household contact, the Ministry has advised schools and kura that their absence should be recorded as sick leave. In these situations, relief staff are entitled to sick leave in line with their employment agreement, and the Ministry expects schools to work with relief staff to ensure the correct leave is recorded.

In situations where a relief teacher is unwell but does not have any work booked in a school, they are not able to use their sick leave entitlement, as they have not been engaged to work, and therefore have no employer and no work to take leave from.

11. Please provide any legal guidance the ministry has received on the above.

This information is being withheld in full under section 9(2)(h) of the Act, to maintain legal professional privilege. There does not appear to be an overriding public interest supporting the release of this information.

Please note, the Ministry now proactively publishes official information responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review my decision on your request, in accordance with section 28 of the Act. You can do this by writing to info@ombudsman.parliament.nz or to Office of the Ombudsman, PO Box 10152, Wellington 6143.



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