

Member questions



What can we help you with? Send your questions to communications@aop.org.uk or call us on 020 7549 2000.

- **Career Breaks** (November 2011)

Q: I am on the GOC register, but I'm on a career break at the moment as I've just had another baby. Previously I was on concessionary payment as I was working less than 100 days. As I am not working at the moment please can you advise what sort of membership I should take?

A: Assuming you will not be working at all in 2012 and hence will not be on the GOC register, the Career Break membership may be suitable. The AOP offers members who will be taking a break from optometry, the 'Career Break' membership. The Career Break membership (encompassing the period of 1 January 2012 - 31 December 2012) provides cover for all work carried out prior to 1 January 2012 but not on, or thereafter. The Career Break membership costs £150 but does not enable members to remain on the GOC register. Therefore any member wishing to stay on the GOC register or even practice (1 or more days), would need to opt for the Full Concessionary membership grade.

To be eligible for the Full Concessionary membership grade, you would need to agree to work no more than 100 days in the UK within the period 1 January – 31 December 2012 by signing, dating and returning the Concessionary membership form (enclosed in your 2012 renewal pack or available online).

As you are currently on this grade, you need only to return the Full Concessionary form. If however you decide to go ahead with the Career Break, you will need to amend your 2012 renewal form and return it to us as soon as possible in the pre-paid envelope provided.

For more information about AOP membership, please contact the membership department on 020 7549 2010 or the team membership@aop.org.uk

- **Sick leave and annual leave policy** (November 2011)

Q: A member of staff has called in sick whilst on annual leave, what should I do?

A: Steven King, Deputy Head of Legal Services at the AOP, advises on top tips for managing sick leave at work. "A practice manager recently recounted the tale of a member of staff who

called in sick whilst on annual leave. The law states that an employee can claim an annual leave day as sick leave, so long as they follow normal procedures for notifying the employer of sickness.

“The AOP can provide members with a specimen contract of employment, which includes clauses on holiday pay and sickness. Whilst our specimen does not state what is to happen in this particular scenario, it can be dealt with in several ways.

“If the employee has the statutory minimum holiday (28 days for employees working 5 days a week, pro-rata for employees working less than five days a week), and the employee is sick while on holiday leave - they can look to reclaim the holiday. A suggested method for doing this should be that they obtain a doctor’s note regarding their sickness, even for periods of absence when the employee would normally be self-certifying their sick leave. The employee should present the doctor’s note to the employer. This procedure need not be stated in the employment contract, the employer could cover it in internal rules which are sent to staff.

“If the employee’s holiday entitlement is over the statutory minimum, for example 40 days (12 days over the statutory minimum), then if they are sick during a period when they are on holiday, the employer may choose not to allow them to reclaim their holiday for the time over the statutory minimum. So, in this case, if the employee was claiming up to 12 days sick leave when on holiday, he or she would not be entitled to reclaim the holiday. If they were claiming over 12 days sick leave they would be entitled to claim the days over the 12 days, if they provided a doctor’s note, if the work rules required them to do so.”

Top tips for managing sick leave

1. Encourage your staff to have the flu jab – see www.nhs.uk for more information
2. Check your contract of employment and your internal rules on sick leave
3. Consult a solicitor when drawing up or entering into any contract
4. Keep your staff updated with internal rules and procedures for absence

Mr King added: “The AOP retains the services of a legal advice helpline to advise members on a broad range of legal subjects on which the AOP does not have expertise in-house. Members are entitled to contact the helpline for advice over the telephone. The helpline telephone number is **on the AOP membership card**. Employment law constitutes the largest number of enquiries to the helpline, both from employers and employees.”

The AOP has a range of documents to help practice managers, including a specimen contract of employment with clauses on holiday pay and sickness, as well as a specimen absence policy and employment contract covering letter.

Further information about employment issues can be found on the **Practitioner Advice** section on the AOP website. For more information, please contact Steven King on 020 7549 2018 or email stevenking@aop.org.uk