

Sick Pay, Statutory Sick Pay and Incapacity Benefit

Leave Entitlement

Contents

Overview	3
Audience	3
Entitlement	3
Staff On Probation	3
Job Share Staff and Reduced Hours Working	3
Staff Working Annualised Hours	3
Paid Sickness Absence for Staff Returning to Work	3
Paid Sickness Absence at Pension Rate	4
Statutory Sick Pay and Incapacity Benefit	4
Policy	4
Procedure	4
Eligibility	4
Exclusions	4
Conditions for Payment of Statutory Sick Pay	5

Overview

This section explains the rules of and entitlements to sick pay. See *Managing Health and Attendance* for policy and guidance on how to notify sickness absence, handling other health-related matters and dealing with frequent or prolonged sickness absence. It also describes the eligibility and conditions for the payment of statutory sick pay and incapacity benefit.

Audience

This section applies to all UK-appointed staff only. Country-appointed staff and English and Exams/ OAS staff should refer to country/territory TACOS and/or contracts.

Entitlement

Full-time members of staff who have completed their first 12 months of service are thereafter entitled to:

- sickness absence on full pay for up to 182 days in any period of 12 months
- receive half pay for a further 183 days, up to a maximum of 365 days paid sick leave in any period of four years' service. Saturdays, Sundays, public holidays and other days not due to be worked, which occur during a period of sickness absence, will be counted.

Statutory Sick Pay (SSP) is paid for the first 28 weeks of sick leave, in accordance with the rules set out by the Department of Work and Pensions (DWP).

Staff On Probation

Members of staff in their probationary period earn paid sickness leave at the rate of one week for every four weeks worked. If they exceed this rate in the first twelve months of their service, line managers should consult HR Services or the HR Overseas team about stopping pay.

Job Share Staff and Reduced Hours Working

All staff, including those working fewer than 15 hours a week, are entitled to sick pay based on the rate of pay for the hours worked, unless the contract of employment provides otherwise. Sick pay for reduced hours and job share staff is pro-rata.

Where a member of staff is job sharing or working reduced hours and is not required to attend on each day of the working week, each day attended is given at one-fifth (on the basis of a five day working week) of the full time entitlement for sick pay. For example, a member of staff working three days a week receives three-fifths of the full time sick pay.

Staff Working Annualised Hours

Members of staff on annualised hours contracts are entitled to sick pay based on the rate of pay for the hours worked during periods of sickness absence.

Procedure

The member of staff should enter the hours taken as sick leave on their record of hours worked so that the hours can be included in the total hours worked for the period of the record.

Paid Sickness Absence for Staff Returning to Work

Where it has been agreed that a member of staff may return to work and initially work fewer than their contracted hours, they will:

- be paid their normal salary for the hours they work
- receive sickness pay at the appropriate rate for the net hours they do not work, until they are able to work their full contracted hours.

Paid Sickness Absence at Pension Rate

Despite the limit of 365 days paid sickness absence in four years, a member of staff who has been absent on full or half pay for the maximum period and produces a GP's statement to the effect that a return to work is likely within a reasonable period, may be considered for further sickness absence with pay at pension rate. Only members of staff with two or more years' membership of the Civil Service Pension Arrangements (CSPA) including transferred in service will qualify.

The rate is equivalent to the pension that a member of staff would receive if they qualified for retirement on medical grounds. Qualifying members of staff will receive either half pay or the pension rate, whichever is the lower amount.

Procedure

1. HR Services or HR Overseas team check with the occupational health provider (OHP) that a return to work is likely.
2. HR Services or HR Overseas team contact HR Pensions Section who will arrange for the pension rate to be calculated.
3. The arrangements may continue (either continuously or in broken periods) for up to 12 months from the end of the usual sick pay arrangements. It may continue beyond 12 months only if the OHP agrees a return to work is still possible.

Statutory Sick Pay and Incapacity Benefit

Policy

Statutory Sick Pay (SSP) is payable for the first 28 weeks of sick leave, in accordance with the rules set out by the Department of Work and Pensions.

Procedure

1. Staff who are entitled to SSP receive their normal gross pay, but the payslip will show that it is made up of:
 - Gross pay
 - SSP less Statutory Sick Pay Credit

The total payment is subject to tax and National Insurance deductions.

2. After 28 weeks of sick leave the entitlement to SSP ends and staff will be provided with form SSP1 by our Payroll Manager in order for them to claim incapacity benefit.

Notes: Incapacity Benefit is not subject to tax or National Insurance deductions, and the Department of Social Security (DSS) credits staff with National Insurance contributions for any full week (Monday to Saturday) of sickness.

Eligibility

Staff who pay Class 1 National Insurance contributions are eligible for SSP.

Exclusions

The following staff are excluded from SSP:

- Temporary staff on a contract of three months or fewer
- Staff who have claimed Incapacity Benefit, Severe Disablement Allowance, Maternity Allowance or Unemployment Benefit in the 57 days prior to a period of sickness absence

- New staff who fall sick before starting work
- Staff falling sick during a stoppage of work due to an industrial dispute (unless they have not taken part and have no direct interest in the industrial dispute)
- Staff receiving Maternity Allowance
- Staff receiving Maternity Pay (SMP)
- Staff who are pregnant but not yet receiving SMP if the absence is within six weeks of the expected week of birth
- Staff who have already been paid SSP for 28 weeks, either in one spell of sickness absence or in linked periods spanning a three-year period
- Staff in overseas posts outside the European Economic Area

Conditions for Payment of Statutory Sick Pay

For staff working a five-day week, the first three working days do not qualify for payment. Weekends are not qualifying days for SSP.

If a member of staff falls sick again within 56 days of a previous period for which SSP was paid, the two periods are linked and counted as one. This means that the first three days of the second period qualify for payment of SSP.