

GUIDE TO STATUTORY SICK PAY (SSP)

Please note that this is a summary guide and is not intended to be relied upon as a substitute for reading and applying the UK legislative requirements relating to SSP.

Employees are entitled to £87.55 (based on 2014/15 figures) per week Statutory Sick Pay (SSP) subject to the criteria outlined below. It is payable for a period of up to 28 weeks. SSP is paid:

- For the days an employee normally works - called 'qualifying days'
- In the same way as wages - e.g. on the normal payday, subject to tax and National insurance

In order to qualify for SSP an employee must:

- Have been sick for 4 or more days in a row (including non-working days) - known as a Period of Incapacity for Work (PIW)
- Have an employment contract
- Have done some work under their contract
- Earn at least £111 a week (based on 14/15 figures)
- Give the employer the correct notice
- Give the employer proof of their illness - only after 7 days off

WAITING DAYS

The first three qualifying days of a period of incapacity for work (or series of linked PIWs) are called waiting days. SSP is never payable for the waiting days.

EXCEPTION

SSP is not usually paid for the first 3 qualifying days unless the employee has been off sick and getting SSP within the last 8 weeks.

LINKING

If the period between the last day of one Period of Incapacity for Work (PIW) and the first day of the next PIW (exclusive) is 56 days or less, the two PIWs are referred to as being 'linked'. They are effectively treated as one PIW.

PERIOD OF ENTITLEMENT

A period of entitlement to SSP commences when a fresh PIW starts, and ends when any of the following apply:

- The employee returns to work
- Full entitlement to SSP (currently 28 weeks) is exhausted
- The employee otherwise becomes ineligible

HOLIDAY ACCRUAL DURING SICKNESS PERIOD

Statutory Annual Leave is accrued while the employee is off work (no matter how long they're off) and can be taken during sick leave.

An employer must send an employee the SSP1 form:

- within 7 days of them going off sick, if they don't qualify for SSP
- within 7 days of their SSP ending, if it ends unexpectedly while they're still sick
- on or before the beginning of the 23rd week, if their SSP is expected to end before their sickness does

SSP1 form must be issued to the employee in the following circumstances:

- Employee can claim a social security benefit again that they claimed before because of an illness or disability
- Employee contract of employment is for a fixed period and has ended
- Employee contract of employment has been brought to an end
- Employee will soon have been getting SSP for 28 weeks or they have had SSP for 28 weeks
- Employee's average earnings before their illness or disability were not high enough
- Employee is expecting a baby soon or they have just had a baby
- Employee has been sick on and off for more than 3 years
- Employee was away from work because of a trade dispute which started before the first day they were sick
- Employee was in legal custody or they were serving a term of imprisonment when they became sick or they are now in legal custody or have been sentenced to a term of imprisonment
- Employee was working outside the UK on the day you first became sick and they were not liable to pay employer's Class 1 NI contributions on your earnings on that day
- Employee has not started working yet

WITHHOLDING SSP

Employers may withhold SSP if the employee gives late notification of incapacity. This is not an obligatory procedure and discretion should be used. If no good cause for the late notification is given then the employer may withhold one day's SSP for each day the notification is late.

If an employer decides to withhold payment they will treat the date of the late notification as the first Qualifying Day for SSP.

Withholding SSP should only be done for the best and most defensible of reasons. The employee has a right of appeal against the employer's decision to withhold (or refusal to pay) SSP.

If you would like more tailored advice on Statutory Sick Pay or any other employment matters please contact Peopletime Ltd on 0845 127 1360 or info@peopletime.co.uk

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