

## **A GUIDE TO OCCUPATIONAL AND STATUTORY SICK PAY SCHEMES**

These notes set out the basic requirements and entitlements relating to sickness absence under both your employment contract with UWE and under the Social Security and Housing Benefits Act 1982 in respect of Statutory Sick Pay (SSP), payable by UWE on behalf of the Government. Please read these notes carefully and contact the Human Resources Office if you need extra advice. To ensure that your entitlements are correctly assessed and paid without delay, please make sure that you observe the procedures and requirements set out below.

### **1 SICKNESS ABSENCE-REPORTING PROCEDURE AND CERTIFICATION REQUIREMENTS**

It is essential that your immediate supervisor/manager is kept fully informed in the event of you being absent from work due to illness and the minimum requirements are set out below:

#### **(a) FIRST DAY OF SICKNESS ABSENCE**

Contact your supervisor/manager as early as possible - and no later than 1<sup>1/2</sup> hours after your start time. Staff who work afternoons or evenings, should phone in during the morning if possible, and no later than 1<sup>1/2</sup> hours after their start time.

Please let your supervisor/manager know the reason for your absence and its likely duration. If your supervisor/manager is not available when you phone you should leave a message with another supervisor/manager in your work area. Please note that if you do not inform an appropriate supervisor/manager on the first day of absence then pay may have to be withheld.

Should you have difficulty getting to a telephone then you must ask a friend/relative to ring on your behalf. If access to a telephone is likely to be a regular problem, please inform your supervisor/manager as soon as you start employment with the University so that alternative arrangements can be made.

Out of hours arrangements: There are arrangements in place within all relevant departments for staff who work early mornings or late at night. You will be given a direct line telephone number to use when the main University switchboard is closed. Please ensure that you use this telephone number to make contact with, or to leave a message for, your supervisor/manager.

There are special arrangements if you fall ill during a period of annual leave. See section 1e).

#### **(b) FOURTH DAY OF SICKNESS ABSENCE**

Contact your supervisor/manager again, if possible by telephone, to confirm that your absence is continuing. Again, if you fail to do so this may result in pay being withheld.

**(c) ABSENCE OF EIGHT DAYS OR MORE**

If your absence continues beyond 7 days (including Saturdays and Sundays) then you must obtain a statement from your doctor or hospital on the eighth day and forward it to your supervisor/manager as soon as possible. You must supply further statements, as necessary, to cover the full period of your absence after the first 7 days. Try to keep in touch with your workplace; your supervisor/manager may contact you from time to time to see how you are progressing.

If you fail to produce a doctor's statement for an absence of eight days or more, then you will be considered as being absent from duty without due cause and no payment of wages/salary will be made for the full period of the absence, or for any period not covered by doctor's statements after the initial statement on the eighth day.

**(d) RETURNING TO WORK**

If you have been absent due to sickness, then, when you return to work, you must report to your supervisor/manager and complete a "Statement on Absence Form" stating the reason for the absence and its duration. The form must be signed by you and then countersigned by your supervisor/manager. (Refusal to sign this form will result in disciplinary action.)

**(e) FALLING ILL DURING ANNUAL LEAVE**

If you fall ill during a period of annual leave, you must inform your supervisor/manager as soon as practically possible in order for this time to be regarded as sick leave. This is particularly important where the illness may affect your return to work date. Any period of sickness during annual leave must be accompanied by documentary evidence, normally a statement from your doctor or a hospital, regardless of the duration of the illness (i.e. from day 1 of illness). Where a charge is made for the provision of such documentary evidence, part or all of this may be reimbursed by the University, depending on the circumstances.

**2 PAY DURING SICKNESS ABSENCE**

When you are absent during sickness, your normal pay ceases and is replaced by a sickness allowance. This allowance is made up of money from your employer, called Occupational Sick Pay (OSP) and money paid on behalf of the Inland Revenue/Government called Statutory Sick Pay (SSP). Your eligibility for these allowances is dependent on a number of factors and these are briefly explained below.

**(a) Occupational Sick Pay**

This money is payable to you under the terms of your contract and your conditions of service. Your entitlement is determined by your length of service and by any

previous sickness absence during a certain period. The scale of allowances for all staff are set out below.

During 1 <sup>st</sup> year of service	1 month full pay and (after 4 calendar months service)
2 months half pay	
During 2 <sup>nd</sup> year of service	3 months full pay and 3 months half pay
During 3 <sup>rd</sup> year of service	4 months full pay and 4 months half pay
During 4 <sup>th</sup> and successive years	6 months full pay and 6 months half pay

Sick leave for all staff is calculated on the basis of a rolling year. Hence the entitlement during a particular absence is determined by deducting from the full entitlement all sickness absence which has occurred in the preceding 12 months.

#### **b) Statutory Sick Pay**

This is payable under the Social Security & Housing Benefit Act 1982 if you are absent due to sickness for four days or more and if you are not excluded for any of the following reasons:

- your average weekly pay over the last 8 weeks is less than the lower earnings limit for National Insurance purposes
- you have done no work under the contract of service
- you go sick during a stoppage of work due to a trade dispute, unless you have not taken part in the trade dispute and have no direct interest in it
- you are pregnant and you have started a Maternity Pay Period
- you have already been paid 28 weeks Statutory Sick Pay which can include sickness periods paid by a previous employer
- you are in legal custody

If you are excluded from an entitlement to Statutory Sick Pay during a period of sickness absence due to any of the above reasons you will be issued by UWE with form SSP1 giving details of the reason(s) for the exclusion. You may have an entitlement from the Government to Incapacity Benefit. If so, the Form SSP1 must be completed immediately and sent to your local Jobcentre Plus Office accompanied by any relevant doctor's statements which you have provided to your supervisor/manager .

SSP is payable for a period of 28 weeks and when you have exhausted this, UWE will issue you with a "transfer form" - SSP(1) and will return any doctor's statements covering beyond the 28 week period. You may be entitled to Incapacity Benefit and if so, the form must be completed and sent to your local Jobcentre Plus Office accompanied by any returned doctor's statements.

If you do receive Incapacity Benefit from the Government then you must advise the UWE Human Resources Office of the amount of benefit received and forward the appropriate documents i.e. BS12 etc. During half pay periods a deduction will only be made if the half pay plus the benefit exceeds normal full pay; the deduction being the difference between the two amounts. Please note that even if you do not qualify for these state benefits, a deduction may still be made under the provisions of your Sick Pay Scheme.

SSP payments will be identified on your payslip and these will be offset against your occupational sick pay during full pay periods. During periods of half pay, SSP will be paid in addition up to the level of your normal full pay.

The rate of SSP is determined by the Government and is revised each year on 6 April. If your earnings are below a particular level then you will not be entitled to receive SSP. Details of the rate currently payable can be obtained from the Payroll Section in Human Resources.

The SSP Scheme is complicated and UWE has developed systems to operate it. For most employees, if you have a full occupational sick pay entitlement and are sick for 4 days or more, you will either receive SSP which will appear on your payslip, or you will be sent an exclusion form explaining why you are excluded and how to claim benefit.

**(c) Married Women's Reduced Liability for National Insurance**

If UWE holds a certificate for reduced liability for national insurance, you will be entitled to SSP unless excluded for any of the reasons given above but you may not be entitled to the State benefits. However, in most cases these benefits will still be deducted from your occupational sick pay as if you were receiving them.

**(d) Absence Due to Accident - Third Party Claims**

If your absence is due to an accident for which damages may be receivable from a third party, then you shall not be entitled to a sickness allowance. However, UWE may, having regard to the circumstances, advance you a sum not exceeding the sickness allowance and any SSP subject to your undertaking to repay the total amount advanced (excluding SSP) or a proportion of it represented in the amount of damages received.

Finally, as stated earlier, these notes are only a summary of the various conditions and entitlements relating to pay during sickness absence. Should you have any query about the pay you receive during a period of sickness please do not hesitate to contact the Payroll Section in the Human Resources Office for a full explanation of your particular entitlements.