



Swansea University
Prifysgol Abertawe

SICKNESS PAY SCHEME

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SICKNESS PAY SCHEME

1. This is a Scheme to supplement the State Insurance Benefit and Statutory Sick Pay by the payment of allowances during absence from work through sickness, disease or disablement arising either in the normal course or through accident not associated with employment at Swansea University (hereafter called "normal sickness") or out of and in the course of such employment, but not attributable to an employee's own misconduct (hereafter referred to as "industrial disease or accident").
2. The Scheme is intended to secure that, during such absence and for the periods referred to in paragraph 7, employees shall receive by way of allowance and Statutory Sick Pay or State Insurance Benefit not more than the sum of their normal weekly wage, as defined in paragraph 9. Any other state benefit or pension which employees would receive when at work are not affected by this Scheme.
3. The Scheme shall apply to all employees of Swansea University, other than temporary and casual.

4. **CONDITIONS OF ADMISSION TO THE SCHEME**

Medical Examination

As a condition of admission to the Scheme, the University may require employees on engagement to submit to a medical examination by the University's Director of Occupational Health and to be recommended by the University's Director of Occupational Health for admission to the Scheme.

5. **SICKNESS AND ACCIDENT ALLOWANCES TO BE TREATED AS SEPARATE ENTITLEMENT**

The allowances in respect of (a) normal sickness and (b) absence due to industrial disease or accident are entirely separate, and periods of absence in respect of one shall not be set against the other for the purpose of paragraph 8 of the Scheme.

6. **EMPLOYEES EXCLUDED FROM THE SCHEME ON MEDICAL GROUNDS OR LACK OF SERVICE**

Where employees, excluded from the Scheme on medical grounds or for lack of service, are absent due to industrial disease or accident in the course of their employment with the University they shall be entitled to an allowance as if they had been admitted to the Scheme on the date of their appointment to the staff of the University.

7. **ALLOWANCE**

Within any period of twelve months payment of an allowance shall be for the following periods according to length of continuous service except for those whose earnings are below the NI lower earnings limit (see (i) below).

<u>Length of Service</u>	<u>Full Pay</u>	<u>Half Pay</u>
During the first 3 months service:	2 weeks	2 weeks
Three months to one year:	8 weeks	8 weeks
Second & third year of service:	13 weeks	13 weeks
Fourth & fifth year of service:	21 weeks	21 weeks
After five years of service:	26 weeks	26 weeks

provided that the University may, at its discretion, extend the period of allowance in an individual case if the circumstances so justify.

- (i) For employees whose normal weekly earnings are under the lower earnings limit for making National Insurance contributions, the full period will be treated as a half pay period with no deductions made. Therefore, within any period of twelve months, payment of an allowance shall be for the following periods according to the length of continuous service:-

<u>Length of Service</u>	<u>Full Pay</u>	<u>Half Pay</u>
During the first 3 months service:	0 weeks	4 weeks
Three months to one year:	0 weeks	16 weeks
Second & third year of service:	0 weeks	26 weeks
Fourth & fifth year of service:	0 weeks	42 weeks
After five years of service:	0 weeks	52 weeks

provided that the University may, at its discretion, extend the period of allowance in an individual case if the circumstances so justify.

In cases of 'full-pay' periods the allowance shall be of an amount which, when added to:-

- (a) Statutory Sick Pay for 28 weeks in a period of incapacity for work, linked or unlinked as allowed for under the Social Security Contributions and Benefits Act 1992;
- (b) Sickness Benefit and Invalidity Benefits receivable under the Social Security Acts 1975 - 1985;
- (c) Compensation payments under the Workmen's Compensation Acts where the right to compensation arises in respect of an accident sustained before July 5 1948;
- (d) Any payments under any Acts amending, altering or affecting those Acts or at Common Law;
- (e) Any disallowance or receipt under paragraph (17) below;

will secure the employee the equivalent of their normal weekly wage.

In the case of 'half-pay' periods, no deductions are taken from the half-pay allowance, except to the extent to which the allowance, including the benefits listed above, exceeds the full normal weekly earnings.

Within the limits of the sick leave entitlement tabled above, the University will allow not more than seven days uncertificated sickness in any period of twelve months. No more than three days uncertificated sickness will be allowed at any one time.

8. CALCULATION OF PERIOD OF ALLOWANCE

- (a) The period during which the allowance shall be paid in respect of any period of absence due to illness shall be ascertained by deducting from the employee's entitlement any period, or the aggregate of periods, of paid absence during the twelve months immediately preceding the first day of absence.

As provided in paragraph 5, sickness absence and absence due to industrial disease or accident shall be treated separately for this purpose.

In aggregating the period of absence no account shall be taken of any unpaid absence on sick leave.

- (b) A period of absence due to injury sustained by employees for which they recover damages from a third party shall be treated in terms of paragraph 17 of the Scheme.

9. NORMAL WEEKLY WAGE

The normal weekly wage for the purposes of the calculation of sick pay shall be as follows:

- (a) Academic & Academic Related Staff

Annual salary divided by 52.17. The normal weekly wage shall exclude occasional and additional payments.

- (b) Clerical/Secretarial and Technical Staff

Annual salary divided by 52.17. The normal weekly wage shall exclude payment for overtime including extra hours worked on account of staff shortages and other occasional or abnormal payments.

- (c) Maintenance Staff

Normal hourly rate multiplied by the number of working hours in the week, plus tool allowance, where appropriate.

- (d) Manual and Ancillary Staff

The normal weekly wage for manual staff paid an annual salary will be the

annual salary divided by 52.17 plus enhanced payment for unsocial hours, shift supplements, overtime and other allowances regularly paid as an addition to basic wages. For manual staff paid weekly, the normal weekly wage plus enhanced payment for unsocial hours, shift supplements, overtime and other allowances paid regularly as an addition to basic wages. Where earnings for a normal working week vary from week to week or from one part of the year to another, then the calculation is based on average earnings over whatever period is necessary to cover the variation.

10. STATE SICKNESS BENEFITS AND STATUTORY SICK PAY

The State Sickness Benefit or Statutory Sick Pay to be taken into account for the calculation of the allowance shall be the full benefit to which employees are entitled on the basis that they have satisfied, so far as is possible, the contributions conditions, and so far as they ***are required by the University to do so, the conditions for the reporting of sickness and the claiming of benefit and SSP under the relevant legislation.***

When the 28 weeks of absence under SSP has expired, make up pay will be on the basis that the employee is receiving full State Sickness Benefit.

Employees shall be under an obligation to declare their entitlement to State Sickness Benefit and any subsequent alterations in their circumstances affecting such entitlement, in default of which the University shall be entitled to determine the benefit by reference to the maximum benefit obtainable.

11. WIDOWS AND MARRIED WOMEN OPTING OUT OF NATIONAL INSURANCE

Widows and married women exercising their right to be exempted from the payment of full rate National Insurance contributions shall be deemed to be insured in their own right for all National Insurance Benefits.

Note: From April 6 1983, widows and married women exercising such a right shall be entitled to receive Statutory Sick Pay in accordance with the terms of the Social Security Contributions and Benefits Act 1992.

12. DISABLEMENT PENSIONS - TREATMENT ALLOWANCES

Where an employee enters hospital and receives a treatment allowance from the DSS, the dependency element only of the treatment allowance shall be taken into account for the calculation of the allowance and the employee's personal element shall be ignored.

13. WIDOWS, WIDOWED MOTHERS AND RETIREMENT OR DISABLED PENSIONERS

Where the total of State Benefits and SSP paid to any employee exceeds the amount of benefit received by an employee during the week of full normal employment that excess shall be taken into account in calculating an allowance under the Sickness Pay Scheme.

However, where a widow or widowed mother has opted out of paying full National Insurance contributions the amount taken into account when calculating an allowance under the Sickness Pay Scheme will be the amount by which total state benefit and SSP receivable exceeds the benefit received by an employee in a week of full normal employment, had full contributions been paid.

14. EMPLOYEE WHOSE WIFE IS WORKING

When, as a result of his wife being at work, a husband receives no allowance for her in the calculation of his State Sickness Benefit, only the benefit actually receivable shall be taken into account in the calculation of the allowance.

15. SICKNESS DURING HOLIDAYS

Employees who fall sick during the course of their annual leave shall be regarded as being on sick leave from the date specified on their self-certificate or Doctor's Statement, and they shall be entitled to take the balance of their holiday at a later date, after their return to work, provided the balance of holiday is taken before December 31, of that year. In exceptional circumstances, the period within which any balance of holiday is taken may be extended to March 31 next, following their absence.

16. EXCLUSION FROM BENEFIT

Employees whose absence on account of sickness is due to or attributed to:

- (a) their own misconduct, or
- (b) active participation in sport as a professional, or
- (c) injury whilst working in their own time on their own account or for another employer for private gain,

shall not be entitled to an allowance under this Scheme, except at the discretion of the University.

Where employees are covered for these risks by a form of insurance or other benefit which includes an element in respect of loss of wages, employees must notify the University of this fact and such element will be taken into account in assessing the allowance.

17. ACCIDENT - THIRD PARTY CLAIM

Employees who are absent as a result of an accident shall not be entitled to an allowance if damages may be receivable from a third party. In this event, the University may, having regard to the circumstances of the case, advance to employees a sum not exceeding the allowance provided under this Scheme, subject to employees undertaking to refund, from any damages received, the total amount of such allowance or such part thereof as the University, may, having regard to the amount of damages recovered, determine after consultation with employees or their representative. Where, however, the refund is made in part only, the University may, at its discretion, decide to what extent, if any, the period of absence shall be taken into account for the purpose of paragraph 16 above.

In the event of employees being dissatisfied at the ultimate determination by the

University under the above, the matter may be referred, either jointly or at the request of either party, to the Joint Secretaries of the Joint Committee of the Universities Committee for Non-Teaching Staff for those grades of staff covered by the Joint Committee.

Any period of absence in such a case where a refund of the monies advanced is made in full shall not be taken into account for the purpose of paragraph (8) of the Scheme. Where, however, the refund is made in part only, the University may at their discretion decide to what extent, if any, the period of absence shall be taken into account for the purpose of paragraph (8).

The requirement to refund allowances from damages received does not extend to any sum awarded by the Criminal Injuries Compensation Board.

18. CERTIFICATION OF SICKNESS

Employees shall not be entitled to claim an allowance unless:-

- (i) notification of absence is made on the first day of absence or as soon as practicable thereafter to Heads of Department/Sections/Chairs of Schools or such other person as shall be authorised to act as their representative;
- (ii) a self-certificate is submitted to the Human Resources Department in cases of an absence for more than three days and up to and including seven calendar days;
- (iii) a Doctor's Statement is submitted to the Human Resources Department for sickness absence exceeding seven calendar days and at such other intervals as may be necessary so that each week of absence is covered. A final Doctor's Statement must be obtained before returning to work, indicating fitness to do so.

NOTES

- (i) Production to the University of the official statement(s) required by the Department of Social Security where appropriate shall be permissible.
- (ii) The University authorities may, at their discretion, accept a certificate of a Christian Science Practitioner in a particular case according to its merits.

19. MEDICAL EXAMINATION DURING A PERIOD OF ABSENCE

- (a) An employee shall, if required by the University at any time during any period of absence, submit to a medical examination, by the University's Director of Occupational Health, or by a registered medical practitioner, nominated by the University, subject to the *Access to Medical Reports Act 1988*, where applicable.

In the event of a difference in medical opinion as to the employee's fitness for work, the matter shall at the request of the University or of the employee be submitted to an independent medical referee chosen jointly by the University and the employee.

- (b) In the event of the referee pronouncing the employee fit to resume work, the allowance under the Scheme shall cease with effect from the date on which the referee determines that the employee should return to work.

20. PAYMENTS NOT TO ADMIT LIABILITY UNDER WORKMEN'S COMPENSATION ACTS, ETC

Any payments under this Scheme shall not be an admission of liability under the Workmen's Compensation Acts and Acts amending, altering or affecting those Acts or at Common Law.

21. CONTACT WITH INFECTIOUS DISEASES, ETC - PERSON DEEMED TO BE INCAPABLE OF WORK

An employee who is not incapable of work, but who is deemed in accordance with the Social Security Acts 1975-85 to be incapable of work because of contact with infectious diseases, shall be entitled to an allowance under the Scheme, for this purpose the service qualifications in paragraph (7) do not apply.

A period of absence on this account shall not be reckoned against the employees entitlement to allowance during absence due to normal sickness or industrial disease or accident.

22. COMMENCEMENT OF SCHEME

The Scheme came into force on October 1 1963 and has been revised at various times to take account of changes in Government legislation and negotiated changes in employees terms and conditions of appointment.

23. SUPERANNUABLE SERVICE

This Scheme is to be read in conjunction with the provisions of the Universities Superannuation Scheme and Swansea University Staff Pension Scheme rules relating to benefits in respect of contributory service whilst on sick leave.

Revised February 2008