

STATUTORY SICK PAY

This statement provides a guide but not an exhaustive explanation of the rules pertaining to Statutory Sick Pay, which concerns all persons entering into employment at the University of Wales Swansea.

Eligibility

Following the Health and Social Security Act 1984 and the Social Security Act 1985, the regulations for Statutory Sick Pay are as follows, with effect from April 6, 1986:

- (1) Eligible employees are entitled to 28 weeks SSP in a period of incapacity for work, linked or unlinked, which period is unrelated to the tax year.
- (2) Periods of incapacity for work which are separated by 8 weeks (56 calendar days) or less, will be linked, i.e. they will count as one Period of Incapacity for work (PIW - explained overleaf)
- (3) Exceptionally, if an employee has a PIW which runs on longer than three years after it started, the employers liability stops at the end of the third year.

Excluded Categories

Employees are excluded from SSP if:-

- (a) they are over 65 years of age
- (b) their contract of service is for a specified period of three months or less
- (c) they have an average weekly earnings of less than the lower earnings limit for National Insurance Contributions liability

the earnings limits and rates of SSP are as follows:-

<u>Gross average weekly earnings</u> <u>Rate applicable from 6 April 2004</u>	<u>Weekly SSP Rate</u>
below £79.00	nil
from £79.00	£66.15

(this rate is subject to change at the start of each new tax year)

- (d) there is a gap of 56 calendar days or less between the end of a state benefit claim and the start of a PIW.
- (e) they have done no work under their contract of service
- (f) there is a stoppage of work at the University of Wales Swansea due to a trade dispute, unless employees have not taken part in the trade dispute and have no direct interest in it
- (g) female employees are within a disqualifying period related to their pregnancy
- (h) they have already been due 28 weeks SSP from a previous employer
- (i) they are outside the EU
- (j) they are in legal custody

Employees in the above excluded categories will be advised as to their ineligibility to SSP by the University of Wales Swansea on a special DSS form in order that they may establish a claim for State Sickness Benefit with the DSS.

Other groups of employees such as married women paying reduced National Insurance Contributions, part-time workers, people who are sick as a result of industrial injury or disease, can qualify for SSP if they satisfy the conditions.

University Sickness Pay Scheme

The University operates a sickness pay scheme, the rules of which apply to all eligible employees separately from the State Statutory Sick Pay Scheme. Details of the University's Sickness Pay Scheme are given to new eligible employees on appointment.

Entitlement to SSP

There are three qualifying conditions to the entitlement for statutory sick pay:-

- (i) entitlement can only arise during a Period of Incapacity for Work PIW - defined below
- (ii) entitlement can only arise during a Period of Entitlement - defined as a maximum of 28 weeks in an unlinked or linked PIW, or when a linked PIW has run for three years
- (iii) entitlement can only arise on a Qualifying Day - defined as the days of the week on which employees are required to work as laid down in letters of appointment. For five day workers these will normally be Monday to Friday, for six day workers, Monday to Saturday and for those working rotas, qualifying days will be all those days of the week shown on the duty rota. In the event of no agreement on qualifying days, such days will be Wednesdays.

Before any entitlement can arise for SSP employees must be absent from work through sickness for four or more days (including Saturdays and Sundays). This is termed a Period of Incapacity for Work, and in the event of any such Period of Incapacity for work, employees receive SSP for all qualifying days within that period, subject to three waiting days, unless PIWs are linked by 56 calendar days or less.

Late Notification

Employees are asked to note that under SSP the University of Wales Swansea is entitled to withhold payment for statutory sick pay, if there is late notification of absence or if there is good reason to believe that the incapacity is not genuine. Where this is done the University of Wales Swansea will advise employees of the reasons for the decision and in the event of dissatisfaction with the decision, the matter will first be considered under the appropriate local Grievance Procedure before resorting to the DSS procedures, due regard being paid to the time limits laid down by the DSS.

Leavers Statements

New employees who have had a Period of Incapacity for work (linked or unlinked) less than 56 days before the end of their contract with their previous employer, or who have been in receipt of SSP for one week or more from their previous employer, will receive on leaving that

employer a leavers statement indicating the amount of SSP due with the University of Wales Swansea. This form SSP1(L) should be handed to the Wages and Salaries Office as soon as possible after the commencement of employment with the University.

Linking Letters

If during your previous employment you have been in receipt of sickness benefit, either instead of SSP or because your entitlement to SSP has been exhausted, you will, once declared fit to return to work, be issued with a linking letter by your local social security office. This letter will explain that if you fall sick again within eight weeks you will not get SSP but may claim a state benefit. If you received such a letter from the DSS in your previous employment, you should ensure that you obtain it from your previous employer and send it to the wages and salaries office immediately.

University Regulations for Notification of Sickness Absence

The regulations for the notification of absence on account of illness are as follows:-

- (i) employees are required to notify their Head of Department or his/her representative as early as possible on the first qualifying day of absence or as soon as practicable thereafter
- (ii) employees are required to submit a self-certificate AND NOT A DOCTOR'S STATEMENT, to the Personnel Department in the case of an absence exceeding three days but less than eight calendar days
- (iii) thereafter, employees are required to submit to the Personnel Department, a Doctor's statement for sickness absence. Such Doctor's Statements should be obtained so as to cover each week of sickness absence. A final Doctor's statement should be obtained before returning to work indicating your fitness to do so

It is, therefore, essential that all employees notify their Head of Department in the event of absence from work in order to establish whether the eventual duration of such an absence entitles them to SSP or whether they are excluded, thereby making it necessary for them to establish a claim for state sickness benefit.

Peter Townsend
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Revised
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