



Goxhill Parish Council

Sick Pay – Statutory and Occupational Policy

1.0 Context

- 1.1 The Council operates both within the Statutory Sick Pay (SSP) scheme, but also provides an Occupational Sick Pay (OSP) scheme to provide top up payments where SSP runs out or where there is long-term sickness.
- 1.2 The provision of SSP and OSP should be seen within the context of its Absence Policy that makes it clear that whilst the Council is sympathetic to genuine short and long term absences supported by self-certification or Medical Certificates. However it will not tolerate absences that are not supported by medical evidence or where there are a number of repeated incidents of minor sickness.
- 1.3 Employees are entitled to receive Statutory Sick Pay (SSP) when absent provided they meet the statutory requirements and earnings level. In addition to the payment of SSP, employees are entitled to additional contractual sickness benefit known as Occupational Sick Pay (OSP).

2.0 Statutory Sick Pay

- 2.1 SSP is part of the state welfare benefit system. The Council is required to administer SSP in accordance with rules laid down by the Government, but the full cost of SSP for certificated leave has to be met by the Council. The Council therefore has to react speedily to absence as the cost falls on it.
- 2.2 An employee may not be eligible for SSP if
 - they do not advise the Council of their sickness in accordance with the sickness reporting procedure and there was no good cause for the delay.
 - there is good cause to doubt their incapacity for work
 - there is no reasonable evidence for their period of incapacity
- 2.3 Employees are not entitled to SSP if
 - they are pregnant and in receipt of Statutory Maternity Pay (SMP)
 - they have a pregnancy related absence at or after the commencement of the 6th week before the Expected Week of Confinement (SMP is payable in these circumstances).

- they have received Incapacity Benefit, Severe Disablement Allowance or Maternity Allowance in the previous 8 weeks.
- they have already received 28 weeks SSP (including the receipt of linked SSP from a previous employer).
- their earnings are below the lower earnings limit set by the Government.
- they are over retirement age

2.4 Employees who are not entitled to SSP may be entitled to Incapacity Benefit. Employees should seek advice direct from the DSS on their eligibility for this or other benefits

3.0 Occupational Sick Pay

3.1 OSP is a discretionary, contractual sick pay scheme funded by the Council to provide benefits to employees that are additional to those they are entitled under SSP. The amount and length of time OSP will be paid will depend upon length of service.

3.2 Entitlement to OSP, is determined by when the sickness period starts. For example, an employee going off sick in their first year will only be eligible for the entitlement due at the time they went off sick even though their sickness absence may take them into their second year of employment where their entitlement would be at a higher level because of their longer service.

3.3 All employees of the Council are eligible for OSP provided they comply with the procedural requirements.

3.4 The level of OSP is dependent upon the length of service and is set out below.

Length of Service	Full Pay (months)	Half Pay (months)
During the first year	1 (after 6 months)	1 (after 6 months)
During the second year	2	2
During the third year	4	4
During the fourth year	5	5
During the fifth year	5	5
Over Five Years	6	6

3.5 OSP will not be paid in the following circumstances

- where an employee has failed to provide the proper notification of sickness in accordance with the policy on absence

- where there is not appropriate medical evidence - e.g. a failure to provide sick notes in accordance with the sickness policy
 - where the illness or injury is due to an employee's active participation in high risk sporting activity
 - where the illness or injury is the result of gain or reward for service other than with the organisation e.g. where an employee is injured whilst working in another part - time job.
 - if the illness or injury arises as a result of the negligence of the employee, their misconduct or the failure to follow appropriate health and safety guidance
 - if, upon investigation, the Council has reason to believe that the employee is abusing the system or is not genuinely ill
- 3.6 If an employee is absent as a result of an injury or accident caused by someone else's behaviour (e.g. a road accident) they will be required to repay OSP if compensation for loss of earnings from the third party is available (e.g. through an Insurance Claim).

4.0 Disputed Incapacity

- 4.1 Where the Council has good reason to believe that an absence may not be genuine it may seek to impose additional requirements and seek independent medical advice. If an employee disagrees with this assessment they may use the grievance procedure and have the right to ask for a written statement explaining the reasons for the decision.

PROCEDURE

1.0 Context

- 1.1 The Rules governing Statutory Sick Pay (SSP) are set out by government, are complex and have to be complied with where benefit is being claimed. It is the role of the Council to administer the SSP system for its employees within the rules set out by the government. Whilst Occupational Sick Pay (OSP) is a discretionary benefit paid to permanent employees it is necessary that proper procedures are followed if an employee is to benefit from OSP.
- 1.2 The purpose of this guidance is to set out the basic principles and procedures in respect of these two forms of benefit. However, it should be remembered that SSP and OSP are complicated and specific advice and guidance on more detailed aspects of these payments may have to sought by both the Council and the employee.

2.0 Statutory Sick Pay

- 2.1 To be eligible for SSP an employee must have a **Period of Incapacity For Work** of four or more consecutive days. This period includes weekends, holidays and days that an employee could have worked had they been required to work on that day.
- 2.2 Employees must complete either Form SCF1 self-certifying their period of sickness or, for periods of sickness of over 5 days, have a valid Medical Certificate signed by a Doctor or the Hospital.
- 2.3 All Medical Certificates and Self Certification Forms must give the reason for absence without which they will be invalid and SSP cannot be paid.
- 2.4 No SSP can be paid without a valid Medical Certificate or Self Certification Form. The Finance Manager will not pay SSP unless these forms are completed.

3.0 Calculation of Sick Pay

- 3.1 Employees will only receive SSP for days on which they would normally be required to work under their contract (**Qualifying Days**). For example, if their period of absence included the weekend those days would not be included in their **Period of Incapacity for Work** where they are an office based employee normally required to work on Mondays to Fridays. However, an employee required to work weekends as part of their normal work pattern who is absent on a Saturday or Sunday would have those days included in the calculation.
- 3.2 SSP is only payable for a maximum of 28 weeks for any one episode of sickness. **If an employee is absent again within 57 days the two periods of absence count as one Episode of Sickness.**
- 3.3 SSP is also linked into any period of sickness with a previous employer if that sickness was within the last 56 days of an employee leaving their previous

employment.

- 3.4 The details above provide a brief explanation of SSP and the calculation of SSP for individuals may require further investigation.

4.0 Occupational Sick Pay (OSP)

- 4.1 Entitlement to OSP, is determined by when the sickness period starts. For example, an employee going off sick in their first year will only be eligible for the entitlement due at the time they went off sick even though their sickness absence may take them into their second year of employment where their entitlement would be at a higher level because of their longer service.
- 4.2 All employees who have a contract of employment with the Council are eligible for OSP provided they comply with the procedural requirements.
- 4.3 The amount of OSP to which an employee will be entitled will depend upon their length of service as set out below. Overtime earnings and other additional earnings are excluded for the purposes of OSP calculations. Whilst employees are entitled to a maximum of 28 weeks SSP, OSP will continue to be paid, subject to an employee's individual entitlement. SSP and OSP together cannot exceed an employee's average full or half-basic salary.

Date Adopted: 4th April 2019

Signed Chairman: *Samuel England*