

# Statutory Sick Pay

Inevitably, employees will succumb to some type of illness and require time off to recuperate. In the United Kingdom, employers are legally obligated to offer their employees Statutory Sick Pay (SSP).

This Employment Law Summary provides an overview of employee SSP rights and highlights what employers must do to comply with current SSP regulations.

## SSP BENEFIT

SSP is a monetary benefit. SSP benefits are intended to offset the wages an employee loses when he or she cannot report to work because of illness. An employee entitled to SSP benefits receives this compensation in the same way that he or she would normally receive his or her wages.

The SSP rate is **£88.45 per week**. This benefit is available to eligible employees for every 'qualifying day,' up to a total of 28 weeks. A qualifying day is the day an employee would have normally worked but cannot because of an illness. Employees can use the [SSP schemes](#) allowing for longer SSP benefit periods must be included in an employment [calculator](#) to determine their actual daily SSP rate.

SSP benefits may be available for more than 28 weeks if allowed by the employer's sick pay scheme (also called 'contractual' or 'occupational' sick pay). Sick pay contract.

An employee's SSP benefit usually begins on the fourth day of his or her sickness. However, the first three days of sickness in a certain period may also be compensable if the employee suffers from regular periods of sickness and these periods of sickness are "**linked**." Sickness periods are "linked" if they last for at least four days and are not more than eight weeks apart.

SSP usually ends when the employee comes back to work or becomes ineligible for SSP benefits.

## ELIGIBILITY

An individual qualifies for SSP benefits if he or she:

- Is an "employee" working under an employment contract;
- Has already done some work for the employer that will provide the benefit;
- Has been ill for at least **four** consecutive days;
- Earns at least **£112** per week (before tax);
- Informs his or her employer of the illness before:
  - The deadline established by the employer; or
  - Within seven days (if the employer has not established a deadline); and
- Provides his or her employer with proof of the illness (if the employee is off work for more than seven days).

Employees are not eligible to receive SSP:

- After they receive a total of 28 weeks of SSP benefits;
- If they are getting Statutory Maternity Pay or Maternity Allowance (special rules may apply);
- If they have a series of "linked" periods that lasts more than three years;
- If they cannot work because of a pregnancy-related illness in the four weeks before the week that their baby is due;

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- If they have been in custody or on strike on the first day of sickness (including any linked periods);
- If they are working outside the European Union and their employer is not liable for their National Insurance contributions; or
- If they have received Employment Support Allowance within 12 weeks of starting or returning to work for their employers.

Employees who are ineligible to receive SSP may apply for [Employment and Support Allowance](#). In addition, employees are encouraged to contact [Her Majesty's Revenue and Customs](#) (HMRC) if they believe their employer should not have denied their SSP request or if they think their SSP is not the right amount.

## EMPLOYER OBLIGATIONS

Employers must pay SSP benefits to entitled employees. However, unless there is a good excuse, employers are not required to pay SSP for any days after the deadline (or for more than seven days if there is no deadline) if the employee has not provided the employer with adequate notice. Employers cannot force employees who are eligible for SSP to take annual leave.

Employers cannot count any days where employees work for a minute or more before they go home sick as sick days. If an employee's shift straddles two days, and the employee becomes sick during his or her shift, the employer must only count the second day as a sick day.

Employers are also required to provide [Form SSP1](#) to employees who are not entitled to SSP and to employees whose SSP benefits have already come or are expected to come to an end. The time frame for providing this form depends on the reason why the form is provided, as shown in the table below.

Reason	Time frame
Employee does not qualify for SSP	Within <b>seven</b> days of when employee goes home sick.
SSP ended unexpectedly while the employee is still sick	Within <b>seven</b> days of when SSP ends
Employee's illness is expected to last longer than the 28 weeks allowed for SSP benefits	On or before the beginning of the <b>23rd</b> week

## FIT NOTES AND PROOF OF SICKNESS

An employee that is absent for more than seven full consecutive days—including non-working days—is required to provide a ['fit note'](#) to his or her employer. The fit note must be issued by a hospital doctor or GP.

The fit note must specify the employee's condition as either 'may be fit for work' or 'not fit for work'. Employers are required to make proper adjustments for employees who are not fit for work. Proper adjustments may include different work hours, special accommodations or modified tasks (to name a few) in order to allow the employee to return to work.

Employers cannot withhold SSP until they receive a fit note. A 'return to work' plan may be accepted instead of a fit note if the employer has a [fit for work scheme](#).

## RECORD-KEEPING

Employers are not required to keep records of paid SSP benefits. However, employers are encouraged to keep records of their employee's sick absences in case HMRC requests to review employer records in order to resolve a dispute over SSP benefits.