

## **1. Scope**

- 1.1 This scheme sets out the rights, entitlements and obligations upon all employees irrespective of length or service, hours worked or type of contract, who are absent from work owing to sickness, accident, injury or other disability.
- 1.2 The University has an obligation to pay Statutory Sick Pay (SSP) as a minimum on behalf of the Government to those employees who are eligible to receive it. This scheme explains the regulations affecting entitlements to SSP, Occupational Sick Pay (OSP) and the effect that entitlement to SSP may have on Occupational Sick Pay. Definitions of SSP and OSP can be found in Appendix 1.
- 1.3 To qualify for sick pay it is important that employees comply with their obligations under this scheme and the University's Sickness Absence Reporting Procedure as set out on the HR Website at <https://www.aber.ac.uk/en/hr/policy-and-procedure/sickness/sickness-procedure/>
- 1.4 This will involve employees using the correct reporting of sickness absence, maintaining regular contact with the University, providing a Self-Certificate/Fit Note(s) on time and co-operating with any requests for further medical information.
- 1.5 Medical/dental appointments and other similar health care appointments, with the exception of appointments which take place during a period of absence under this scheme, do not fall within the scope of this scheme.
- 1.6 **Employees are encouraged to contact Payroll with any queries concerning the payment and calculation of sickness benefits by telephone on Extension 2034 or by email at payroll@aber.ac.uk**

## **2. Statutory Sick Pay**

- 2.1 Payment of Statutory Sick Pay (SSP) will only be authorised on correct notification of the absence and on timely receipt of Fit Note(s) where the absence exceeds one week. For further information on absence reporting please see <https://www.aber.ac.uk/en/hr/policy-and-procedure/sickness/sickness-procedure/>
- 2.2 The main features of the scheme are:
  - The first three days of incapacity for work (called waiting days) are unpaid, although eligible employees will still receive Occupational Sick Pay during this period;
  - Further sickness is paid at the appropriate rate per week for up to 28 weeks (£88.45 as at 1 April 2016 and revised annually each April);
  - Once SSP is exhausted, an employee normally transfers on to benefits paid directly by the Department for Work and Pensions;
- 2.3 If two periods of sickness are separated by less than eight weeks (56 days) then they are linked and the employee need not serve the waiting days again.

- 2.4 To qualify for SSP, an employee must have average weekly earnings of at least £112.00 (as at 1 April 2016) in the eight weeks before the first day they are off work sick.
- 2.5 The University uses a standard five day week of Monday to Friday inclusive in identifying Qualifying Days for the purpose of the Statutory Sick Pay Scheme. The Qualifying Days for part-time employees will also relate to a five day week of Monday to Friday inclusive unless otherwise stated in the official letter of appointment.
- 2.6 More information about SSP is available from Her Majesty's Revenue and Customs <http://www.hmrc.gov.uk/>
- 2.7 Any employee requiring further information or guidance can also contact the Payroll Section by telephone on Extension 2034 or by email at payroll@aber.ac.uk.

### **3. Conditions of Admission to the Occupational Sick Pay Scheme**

- 3.1 If requested by the University, an employee shall give details of any past or current illness on commencement of employment and undergo a medical examination at the University's expense as a precondition of admission to the Scheme.
- 3.2 Part-time employees are eligible to qualify for sick pay, provided the other conditions specified above are fulfilled. However, part-time employees who are eligible for sick pay but who do not make national insurance contributions because their earnings are under the Minimum Earnings Level shall be entitled to half-pay in accordance with the Scale of Allowances listed at Section 4.3.
- 3.3 Employees on fixed term appointments not exceeding three months' duration are not eligible for membership of the University Sick Pay Scheme.
- 3.4 Where an employee is not eligible for membership of the University Sick Pay Scheme on medical grounds or lack of service, and is absent due to University related industrial disease or an accident associated with employment at the University, the employee shall be entitled to an allowance based on an assumed three months' service, or, if the actual service is longer, as if the employee had been admitted to the scheme on the date of appointment.

### **4. Entitlement to Occupational Sick Pay**

- 4.1 Payment of Occupational Sick Pay will only be authorised on correct notification of the absence and on timely receipt of Fit Note(s) where the absence exceeds one week.
- 4.2 Entitlement to Occupational Sick Pay increases according to the length of an employee's continuous service. The date from which continuous service is calculated will be stated in an employee's Contract of Employment.
- 4.3 Subject to the provisions of this scheme, employees will be entitled to the following Occupational Sick Pay entitlement: -

|                                    | <b>Full Pay</b> | <b>Half Pay</b> |
|------------------------------------|-----------------|-----------------|
| During the first 3 months' service | 2 weeks         | 2 weeks         |
| Three months to one year           | 2 months        | 2 months        |
| Second and third year              | 3 months        | 3 months        |
| Fourth and fifth year              | 5 months        | 5 months        |
| After five years' service          | 6 months        | 6 months        |

## **5. Normal weekly earnings for purposes of calculating sick pay**

- 5.1 The normal monthly earnings for the purposes of sick pay are the normal monthly contractual wages plus enhanced payment for unsocial hours, shift supplements, overtime and other allowances regularly paid as an addition to basic wages.
- 5.2 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 variations<sup>1</sup>

## **6. Exceptional Provisions**

- 6.1 Exceptional provisions may apply in the following circumstances:-
- Where an employee is injured as a result of a crime or violence in the course of their work for the University;
  - Where an employee sustains an injury in the actual discharge of their duties for the University, and which is not attributable to any fault of their own; The seriousness of the condition, taking in to account the prognosis and period of service with the University;
- 6.2 In such cases, the entitlement to full pay may be extended up to a maximum period of 9 months (half pay will reduce by an equivalent time period). There is no automatic entitlement to this provision and all cases will be assessed on a case by case basis by the Director of Human Resources.
- 6.3 Where an employee is absent from work for an extended period there is also the option to take annual leave – each case will be assessed on an individual basis.
- 6.4 An employee who is absent because of an injury which results in a payment from the Criminal Injuries Compensation Board, will not be required to refund any sick pay received in accordance with this scheme.

## **7. Calculation of Sick Pay**

- 7.1 The entitlement to Occupational Sick Pay (See Section 4.3) for a specific period of sickness absence is calculated as follows:-
- 7.1.1 by calculating the entitlement appropriate to the employee's service on the first day of any period of sickness absence; and

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<sup>1</sup> Please note this would normally be based upon a reference period of 12 weeks but in exceptional circumstances a reference period of 12 months' pay be more appropriate.

- 7.1.2 by deducting from that entitlement the aggregate of periods of sickness absence during the twelve months immediately preceding the first day of absence;
- 7.1.3 If a public holiday or university holiday occurs during a period of sick leave, an employee will continue to receive sick pay where due. There is no entitlement to accrue leave which would have arisen due to a public holiday or university closure day at some other time;
- 7.1.4 Where an employee is on annual leave or has booked annual leave and is subsequently taken ill, Occupational Sick Pay will be made in accordance with sick pay regulations where the absence is covered by a 'Form Med 3' or a private fit note and the employee has indicated that they wish the absence to be recorded as sickness.

## **8. Deduction or Cessation of SSP or Occupational Sick Pay**

### **8.1 Expiry of SSP/OSP**

- 8.1.1 Prior to the expiry of SSP, the Payroll Section will complete Form SSP1 to show the last day of an employee's entitlement to SSP.
- 8.1.2 Payroll will send this form to the employee so that they can use it to apply for Employment and Support Allowance (ESA). Any Fit Note which extends beyond the Period of Entitlement will be attached to the SSP1 Form. It will then be the employee's responsibility to pursue their claim for state benefit by completing the relevant section of the SSP1 Form and sending it to the Department for Work and Pensions (DWP). The DWP will then liaise with the employee directly regarding their entitlement for ESA.

### **8.2 Overpayments**

- 8.2.1 The University reserves the right to make a deduction from salary due to an employee if they are overpaid sick pay for any reason. Where an overpayment occurs, the HR/Payroll department will write to the employee to advise them of the overpayment and provide a proposed repayment schedule. The employee will then have the opportunity to comment on the proposal. Any variations to the proposed repayment schedule will be agreed on a case by case basis.

### **8.3 Non-compliance with scheme rules**

- 8.3.1 If the University receives evidence that an employee has failed to comply with any requirement under this scheme, or receives evidence that the employee may have acted in a way which might prejudice their recovery, the payment of SSP and OSP may be suspended.
- 8.3.2 The University will advise the employee of the reason(s) for this proposed suspension of sick pay. However, prior to reaching a decision to suspend the payment the University will present in writing the grounds for suspension with supporting evidence. The employee will have the right of reply within 7 working days and must include any supporting evidence in their response.
- 8.3.3 If the University decides, on the basis of evidence, that an employee has failed without reasonable grounds, to fulfil the requirements of the scheme, or that the employee has acted in a way that is prejudicial to their

recovery, then no further payments will be made in respect of that period of absence.

8.3.4 Any dissatisfaction arising from suspension of payment should be raised in accordance with the University's Grievance Procedure.

#### 8.4 Professional Sports or extreme sports

8.4.1 No allowance will be payable under this scheme in the case of accidents due to active participation in sport as a profession, extreme sports\* or where the absence arises from, or is attributable to, the employee's own misconduct. Employees are required to have their own insurance for such purposes.

*(\*Extreme sports, also called action sports and adventurous sports. These are popular terms for certain activities perceived as having a high level of inherent danger. These activities often involve speed, height, a high level of physical exertion, and highly specialized gear. If you have any doubts as to whether the University sick pay scheme would cover you in the event of an accident or injury arising from such activities which causes a subsequent absence from work, please check with the Payroll Department before participating.)*

#### 8.5 Secondary Employment

8.5.1 Employees are excluded from the scheme where sickness is due to, or attributable to an injury whilst working in their own time on their own account or for another employer for paid employment. An employee will only be entitled to an allowance under the scheme, at the discretion of the University.

#### 8.6 Third party claim

8.6.1 An employee who is absent as a result of an accident is not 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 the employee a sum not exceeding the allowance provided under this scheme. If the employee is awarded damages they must undertake to refund the total amount of such allowance or part thereof as the University may determine after consultation with the employee or his/her representative.

### **9. The effect the entitlement to SSP may have on Occupational Sick Pay**

9.1 If an employee is entitled to receive Statutory Sick Pay (SSP), or is in receipt of Employment and Support allowance (ESA) these will be offset against any entitlement to full pay.

9.2 Where an employee is entitled to receive half pay, the total sum of half pay plus SSP or Employment Support allowance must not exceed full pay. If necessary, the half pay allowance will be reduced.

9.3 All employees are obliged to declare to the University their entitlement to any benefits received while absent on sickness grounds. If the employee fails to do

so, the University will be entitled to deduct the maximum of such benefit obtainable.

## **10. Sickness when part of the Flexitime Scheme**

- 10.1 Periods of absence on sick leave will be credited as worked hours, and recorded as 7 hours and 24 minutes for a whole day's absence, and 3 hours and 42 minutes for a half-day.

## **11. Employees who fall sick whilst working abroad**

- 11.1 An employee must provide their line manager or other nominated person with an address/telephone number and email address through which communications can be directed in accordance with the Travel Abroad Policy ([insert link](#)).
- 11.2 Statements to confirm a certifiable period of illness should be obtained from a recognised medical practitioner or hospital consultant in the country in which the illness has occurred and this should be sent to the line manager by the eighth day of absence and at regular intervals thereafter.
- 11.3 A statement of fitness to work on the termination of the illness should also be obtained if the employee is still abroad at that time.
- 11.4 If an employee returns to the UK whilst still ill, they should immediately see their General Practitioner or a hospital consultant for treatment and obtain another statement to confirm the illness.
- 11.5 The University requires any medical reports made by the medical personnel in the country concerned to be made available for inspection by the General Practitioner or hospital consultant.
- 11.6 Employees are advised that arrangements have been made by the Department of Social Security for claimants to be paid sick pay when taken ill in EU countries but this does not apply outside the EU.
- 11.7 For employees on research leave, alternative arrangements for time to complete required outcomes, especially if the research project is externally funded, should be discussed and agreed between the employee, the line manager and the external funding body as soon as is reasonably possible.

## **Appendix 1**

### Statutory Sick Pay (SSP)

Money that an employer must by law pay to an employee who is unable to work because of illness. To qualify for SSP an employee will need to submit to the employer a medical certificate after seven days' illness.

### Occupational Sick Pay (OSP)

Is a contractual term and condition of employment. Once an employee qualifies, the university will provide full pay for a set number of weeks/months and this may be followed by a further period of half pay. This amount is paid to top up the SSP processed so that an employee can receive full pay for the absence in accordance with their entitlement as outlined in their terms and conditions of employment.