



'Doing our best to achieve our best'

Clarendon Primary School, Nursery and Family Centre

Sick Pay Policy for Surrey Support Staff

Policy Scope and Purpose	
Scope and Purpose:	The Council's Sick Pay policy sets out the arrangements for Sick pay which applies to all Surrey Pay employees, including support staff in maintained schools.
Legislative requirements:	The requirement to pay Statutory Sick pay is set out in the Social Security Contributions and Benefits Act 1992
Who uses this Policy:	This policy applies to individuals directly employed by Surrey County Council on Surrey Pay terms and conditions. It does not apply to those on nationally agreed terms and conditions.
Roles and Responsibilities:	<ul style="list-style-type: none"> Line Managers are responsible for implementing the policy in a fair and consistent manner All employees will be responsible for engaging with and adhering to this policy Trade Unions will be consulted regarding the content of the policy and will be reasonably available to support and represent their members The Human Resources team will be responsible for ensuring compliance with this policy and providing guidance and direction

Introduction

This policy must be read together with the Absence Management policy which explains what should happen when an employee is off sick for any reason.

Absence due to an industrial accident or industrial disease is treated separately from normal sickness for the purpose of calculating sick pay entitlement.

Sick pay

Sick pay is made up of two elements:

- Statutory sick pay (SSP)** is a statutory sick pay arrangement paid on behalf of the Department of Work and Pensions (DWP). It is normally paid to eligible employees from the fourth **calendar** day of illness. An employee's entitlement to SSP depends on their earnings being above the lower earnings limit for national insurance contributions and is paid for up to 28 weeks.
- Occupational sick pay (OSP)** is a contractual sick pay arrangement which supplements statutory sick pay in order to maintain normal or half pay for a defined period during absence from work due to illness. OSP will be pro-rata for part time employees.

How sick pay is calculated

If you are absent from work due to illness (including injury or other disability) you are entitled, depending on your contract of employment, to three months' full pay and three months' half pay sickness benefits from your first day of employment.

From	Full pay, including any entitlement to SSP	Half pay, including any entitlement to SSP
On the first working day of sickness absence.	3 months OSP, including SSP, in a rolling 12-month period	3 months OSP, including SSP in a rolling 12-month period

Occupational sick pay benefit is determined at the commencement of a period of sickness absence, looking back at the previous 12 months to determine how many days OSP an employee has already been paid, in order to calculate any remaining OSP.

Any sick leave taken during the previous 12 months (immediately preceding the first day of absence) is deducted from the entitlement.

When occupational sick pay has been exhausted

Once an employee has used all of their occupational sick pay, they will only receive what may be due to them from government benefits. This may be any remaining Statutory Sick Pay or, if SSP has also been exhausted, any benefits that may be paid directly by the Department of Work and Pensions.

Application to extend

A manager can apply to extend sick pay for a further three months full and/or three months' half pay when the following applies:

- The member of staff is engaged with their manager in discussing their sickness absence and potential to return to work
- The employee is undergoing treatment; or recovery from illness involving specialist practitioners
- Occupational health advice confirms there is a likelihood of a return to work in a reasonable timeframe
- Where discussions are taking place in relation to compassionate extensions due to chronic ill health, managers should seek further advice from their HR Advisor.
- Extensions to sick pay can take into account illnesses where there are periods of remission and recurrence. An example would be where an employee is undergoing treatment for cancer.

The application is made via the [pay exceptions process](#) which is outlined on SCC info, or in schools via the head teacher and confirmed in writing to payroll services.

Sick Pay Entitlement

The sick pay you receive from the council is based on a combination of entitlements to [Statutory Sick Pay](#) (SSP) paid by the council on behalf of the government, and occupational sick pay (OSP).

You must declare to the council any Employment and Support Allowance (previously Incapacity Benefit) to which you are in receipt of and any subsequent changes in circumstances on which such entitlement is based. If you fail to do so, the Council is entitled to determine the benefit by reference to the maximum benefit obtainable. This may affect your entitlement to SSP.

The majority of employees are eligible for SSP, but if you are not eligible you will be informed in writing of the reason. You may be able to claim Employment and Support allowance from the Department of Work and Pensions.

SSP is paid in respect of 'qualifying days' which, for council employees, means every day of the week, including weekends and public holidays.

SSP is not, however, payable for the first three qualifying days of absence.

There is a limit of 28 weeks' SSP in any one period of sickness or linked periods. Periods of sickness are said to be linked if the second period starts within eight weeks of the end of the first period.

Most employees are entitled to receive OSP. Your contract of employment details any entitlement you may have. If OSP ends you may still be entitled to SSP.

Eligibility

Permanent and temporary employees are entitled to sick pay.

If you are employed under a contract 'for service' and are subject to PAYE tax and national insurance deductions from your fees, you have an entitlement to SSP.

If you have a contract 'for service' and receive fees without deductions of tax and national insurance, you are not entitled to SSP.

More information about Statutory Sick Pay can be found on [Directgov](https://www.gov.uk/statutory-sick-pay).

Contact with infectious diseases

Employees who, under medical advice, are prevented from attending the workplace because of contact with an infectious disease must notify their manager immediately. If the medical advice is confirmed they will be entitled to receive normal pay. Any period of absence will not be counted against the entitlement to sick leave and pay.

In the case of contact with other infectious or contagious diseases the employee should notify their manager of the situation, so that a risk assessment may be carried out to allow them to work, if they are fit to do so.

In both cases the manager must inform Occupational Health immediately, to arrange a referral. This is except during a pandemic when the council will be following Public Health England (PHE) advice. Referrals will be made if PHE advice is to do so.

In the event that the individual falls ill because of the infectious disease then they would be entitled to sick pay as outlined in **section 2** and the absence will be counted against the entitlement to sick leave and pay.

Sick pay: absences with an industrial cause

A period of absence resulting from industrial disease, accident or assault is not offset against other sick leave for the purpose of calculating Occupational Sick pay entitlements.

If you are absent from work due to illness (including injury or other disability) with an industrial cause (IC), you are entitled, depending on your contract of employment, to three months' full pay and three months' half pay sickness benefits from your first day of employment.

From	Full pay, including any entitlement to SSP	Half pay, including any entitlement to SSP
On the first working day of sickness absence.	3 months OSP (IC), including SSP, in a rolling 12-month period	3 months OSP (IC), including SSP in a rolling 12-month period

A manager can apply to extend sick pay with an industrial cause for a further three months full and/or three months' half pay when the conditions outlined in 2.3 apply.

Accident

If you are absent from work because of a work-related injury or accident, your line manager must ensure that the accident is properly investigated and recorded. The accident is recorded on **OSHENS** and the absence recorded on SAP (or in schools, the SAR) as an absence with an industrial cause. See **Incident reporting and recording** information on SCC info. Schools-specific information is available in the annual Headteacher information pack provided by the Education Service.

Payment of sickness benefits should be authorised, without prejudice to the outcome of the investigation into the incident. You should be aware, however, that the outcome of the investigation may result in the allowance ending and the council may recover allowances paid, if the absence is found not to be related to the incident.

Disease

If circumstances suggest that an illness or disease has occurred as a result of any aspect of the working environment, the manager must refer the matter to Occupational Health immediately.

Subsequent absences that are claimed to result from the original industrial cause (accident or disease) must be referred to occupational health. Occupational health will advise whether the subsequent absence is related to the industrial cause. The Council has a right to refer any employee to Occupational Health.

Employees suffering permanent disablement

Employees who sustain injury or contract disease while acting within their employment and suffer permanent disablement may be eligible for [Industrial Injuries Disablement Benefit](#) (which can be claimed after 15 weeks has elapsed from the original incident). If you are to make a claim you must contact the Risk Management and Insurance Unit.

Absence due to non-work-related injury or accident

If you are absent because of an injury or accident caused by someone else, e.g. a road accident, you may be asked to complete an undertaking that you will repay your OSP if you recover equivalent compensation for loss of earnings from the third party.

Loss of earnings should be included in any claim for compensation by your solicitor. If your absence is the result of an accident or injury sustained whilst taking part in professional sport; while working in your own time for private gain or for another employer; or from your own misconduct; the council reserves the right not to make sickness payments.

Sick pay to victims of crimes of violence

If an employee is absent from work because of an injury that will be the subject of a claim to [the Criminal Injuries Compensation Authority](#), and is otherwise qualified to receive sick pay, the employee will not be required to refund any part of it from the sum which the Compensation Authority may award.

Where an award has been made by the Compensation Authority, the council may, depending on the circumstances, discount all or part of the sick leave caused by the injury in calculating the employee's future entitlement to sick pay.