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Sick Pay

Personal Legal Services

Statutory Sick Pay

If you are off work for a period of sickness lasting 4 days or more, you may get Statutory Sick Pay (SSP). SSP is paid by your employer for up to 28 weeks.

To get SSP, you must earn more than a specified amount per week. It does not matter whether you are working full-time or part-time. Agency workers and workers on a fixed-term contract qualify for SSP. If you are self-employed, you do not qualify for SSP.

Telling your employer you are off sick - Statutory sick pay

If you can, you should tell your employer straight away that you are ill and unable to go to work. You may lose sick pay if you don't tell your employer straight away.

Your employer may ask you to follow certain rules about telling them you are off sick. They still have to pay you SSP even if you don't follow these rules but if you don't follow the rules, you will be breaking the terms of your employment contract and this could lead to you losing your job.

Self-certification of sickness and SSP

During your first seven days off sick, you are not required to provide a medical certificate. However, your employer can ask you for confirmation that you are sick and you must provide it if they ask for it, otherwise you may not get any SSP. Your employer may ask for either:

- A handwritten note from you saying what is wrong, or
- A self-certification of sickness form provided by your employer, which you must complete.

Medical certificates - fit notes

Medical certificates can also be known as fit notes. On a medical certificate, your doctor can say that you:

- Are not fit for work
- May be fit for work.

Your doctor can also recommend that your employer makes some changes at your workplace. These changes might be things like:

- A change to your working hours
- A change to your duties
- Adaptations to your working environment.

It's up to you and your employer to agree between you what changes should be made. If your employer refuses to make the changes recommended by your doctor, you will still be considered unfit for work and can continue to get SSP

If you recover sooner than expected you can return to work before the end date on your medical certificate if your employer agrees to this. However, they may insist on you obtaining a new certificate from your GP to confirm that you are fit to return to work.

If you are off sick because of a disability

If you are disabled and your employer refuses to give you sick pay when you are off sick for a reason connected with your disability, they could be breaking the law. You may be able to make a complaint to an employment tribunal for disability discrimination. You may have to raise a written grievance with your employer first.

If you have been discriminated against, you will need specialist advice.

You are off work for several short periods of time

If you are off sick for more than four short periods (four to seven days) in a year, your employer can contact Medical Services to look into the reasons you have given for missing work. Your employer contacts Medical Services through (HMRC).

Medical Services may want to contact your own GP to ask about your medical condition but they can only do so if you give them permission. If the Medical Services report says you have been off work without good reason, your employer may refuse to pay you sick pay. You can appeal against this decision if you think it is wrong.

You are off work for long periods of time

If you have long periods of time off work, your employer can contact Medical Services to decide if you are fit enough to do your job. Your employer contacts Medical Services through HMRC. Medical Services may want to contact your own GP to ask about your medical condition but they can only do so if you give them permission.

If the Medical Services report says you have been off work without good reason, your employer may refuse to pay you sick pay. You can appeal against this decision if you think it is wrong.

Contractual sick pay

Your contract of employment may entitle you to more than just SSP. Amounts and duration of contractual sick pay can vary between employers and for individual employees. This is called contractual sick pay. Contractual sick pay is treated like earnings for the purposes of income tax and forms part of your taxable income.

Contractual sick pay might not be the same as your normal rate of pay, but it cannot be less than SSP. For example, some contracts might say you get your full pay for the first month of sickness and then you get half-pay for another month.



“You have always shown patience and have helped me to understand things along the way and I am personally grateful to you.”

Ms Clarke



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