

2. Sickness Procedure

2.1. Absence through sickness

2.1.1. Notification of sickness and how to claim benefits

Under the Social Security and Housing Benefits Act 1982 and subsequent legislation, employers are responsible for paying certain prescribed rates of Statutory Sick Pay (SSP) to their employees, regardless of service but subject to certain exclusions, for up to 28 weeks of sickness in any period of incapacity for work.

Some members of staff may find themselves excluded from these arrangements, perhaps because they are over state pension age (65), or are paid less than the national insurance contribution lower limit, or have already received 28 weeks' SSP. If excluded for these or any of the other stated reasons, you should obtain the appropriate form from your Line Manager to enable you to forward a claim for State Benefit to the Department of Social Security. SSP payments will be made as part of salary, and will therefore be liable to tax and national insurance deductions.

The procedures under which you apply for, and qualify for, sickness benefit are summarised below:

a) Immediate notification of sickness

If you are unable to attend for work because of illness, you or someone on your behalf, should inform your Line Manager in the College by telephone on the first day of absence from work, giving the reason for the absence and the expected date of return. Alternatively if your Line Manager is not available you should inform HR or the Lodge Porter on duty. If you fail to provide such notification without good reason, or the College is not satisfied with the reasons for absence, the College reserves the right to withhold payments of both statutory sick pay (SSP) and contractual sick pay..

Sickness absence of seven days or less must be recorded on a Return to Work Record Form immediately on returning to work. This must be countersigned by the Line Manager and forwarded to HR immediately.

b) Sickness absence from work for more than seven days

If you are absent from work because of sickness for more than seven working days (including sickness on Saturdays and Sundays for this purpose), you should obtain a doctor's certificate which should be sent to the College as soon as possible. You should continue to send in doctor's certificates until the doctor decides that you are fit to return to work. The College reserves the right to request medical evidence should it be considered necessary.

Please note that even though a doctor's certificate is not required for SSP purposes until you have been absent from work for more than seven days, you should nevertheless visit your doctor before that date if you feel sufficiently ill to require medical treatment. If the doctor gives you a certificate at that stage, you should forward it to the College immediately.

d) Withholding of sick pay

The College may withhold statutory sick pay (and sick pay paid out under its own sick pay scheme) if it has good reason to believe that your illness is not genuine. If the College decides to withhold payment of statutory sick pay for any reason, you will be so informed in

writing. If you disagree with this decision to withhold payment, you should get in touch with your Line Manager and raise the matter informally in the first instance. It is open to you to progress the matter through the grievance procedure if necessary. If, after this, you still claim that you are entitled to Statutory Sick Pay, you may apply to an Adjudication Officer of the Benefits Agency, who will decide incapacity on the facts.

e) Qualifying day

The statutory sick pay legislation requires that an employer must agree those days which are to count as qualifying days for statutory sick pay. The question of qualifying days has been raised within the joint committees representing employees within the University and it has been agreed that an employee's qualifying days for SSP will normally be Monday to Friday, or the actual days worked if these are less than five days. Where an employee works less than five days per week the department should notify the Payroll Office of the individual's working arrangements to ensure that accurate records are kept for SSP purposes.

f) Sickness during annual holiday

If you are taken ill whilst on annual leave, arrangements will apply under which, provided you satisfy your department by production of a doctor's certificate, you will be able to take the balance of your annual holiday (but excluding any allowance for sickness on days of public holiday or fixed closure days) at a later date after you return to work, provided that it is taken before 31 December in the same year. (In exceptional circumstances the period within which any balance of holiday may be taken may be extended to 31 March next following the absence.) The normal reporting requirements for sickness still apply when you are taken ill whilst on annual leave.

g) SSP and the College's own sick pay scheme

The College's own sick pay scheme provides that if you are absent from work through sickness or injury you will be entitled to payment at the rate of full salary, which will *include any payment due under the SSP scheme*, for such period as the College may determine. At the end of this period of full sickness pay, the College has discretion to pay at the rate of part salary for a further period but any such reduction would not normally affect payment of SSP so long as your entitlement to such remains. If you are excluded from the SSP scheme, the College will deduct the amount of any short-term incapacity benefit payable by the DSS from any salary paid. No deductions shall be made from payments at half pay under the College's own sick pay arrangements, except that where the total amount of half-pay plus incapacity benefit or other allowances exceeds full pay, a deduction will be made of an amount equivalent to the excess.

These paragraphs refer only to the main points on sick pay which concern employees. Further information on matters such as sickness during pregnancy etc. may be obtained from your Line Manager.

2.1.2. College sick pay scheme

As noted in paragraph (g) of 2.1.1, the College's sick pay scheme provides that if an employee is absent from work through sickness or injury he or she will normally receive discretionary payment at the rate of full salary, which includes any payment due under the SSP scheme, for such period as the College may determine. At the end of this period of full sickness pay, the College has discretion to pay at the rate of part salary for a further period.

Service	Full pay (*)	Half pay (*)
First three months	2 weeks	2 weeks
Remaining nine months of first year	2 months	2 months

Second and third years	3 months	3 months
Fourth and fifth years	5 months	5 months
After fifth year	6 months	6 months

(*) Inclusive of any university sick pay given in the 12 months preceding the latest period of such leave.

The above scale of allowances provides guidance only as to the rates of salary payable in the event of absence due to illness, and the College retains the discretion to make payment for lesser or additional periods.

2.1.3. Third party claims for absence caused by an accident

If you are absent from work as the result of an accident or injury that happens whilst you are not at work and is caused by another person (e.g. a car accident), you are not entitled to receive sick pay if damages for loss of earnings are recoverable from the person who caused the accident, who is referred to as the 'third party'. In this event, the College will, having regard to the circumstances of the case, advance you a sum not exceeding your entitlement to sick pay in accordance with the scale of allowances set out in paragraph 2.1.2, on the understanding that, if you are awarded compensation for loss of earnings, you must refund to the College any such compensation you receive, subject to a maximum of the total sum it has advanced to you whilst you were absent.

If you make such a refund, the College will disregard the period of sick leave covered by the refund in making any calculation of entitlement to sick leave payments under the scale of allowances set out in paragraph 2.1.2.

Where no damages for loss of earnings are recovered, the College will waive its right to seek a refund, and the period concerned will be regarded as sick leave. The requirement to refund advances from damages received does not extend to any non-salary related compensatory awards, nor to payments made directly by an insurance company without reference to third party recovery.