

Statutory Sick Pay (SSP) is money paid by employers to employees who are away from work because they are sick.

- 1) Employees must notify Winterwood Farm Ltd in line within the time limits and procedures stipulated in the Winterwood Farms Ltd workforce agreement.
- 2) SSP can be withheld if notification is delayed for the period of the delay if it is judged that there was not a good reason for the delay.

If the payment is withheld, the date of the late notification will be treated as the first qualifying day.

- 3) Employee should complete a Self certification form (SC2). (These can be obtained from the office and can be downloaded from <http://www.hmrc.gov.uk/forms/sc2.pdf>

The completed form must be returned to the office.

This will help to decide if the employee is entitled to get Statutory Sick Pay.

- 4) To qualify Employees must first form a PIW (period of incapacity to work) i.e. the employee has been sick for 4 days or more in a row. Odd days of sickness cannot form a PIW and cannot link together
- 5) Once established this can be linked to an earlier PIW if the earlier PIW was within the eight weeks immediately before the current PIW and at that time the employee satisfied the qualifying conditions for SSP i.e. in the last eight weeks before becoming sick, average earnings reached the lower earnings limit.
- 6) SSP will be calculated by establishing the number of qualifying days.

Note: SSP is not paid for the first three qualifying days in a PIW or series of PIWs.

- 7) If there is an entitlement to get Statutory Sick Pay, Winterwood Farms Ltd will normally pay the amount owed in the same way they pay wages.
- 8) If the employee is not entitled to get Statutory Sick Pay, they will given form SSP1 obtainable from <http://www.hmrc.gov.uk/forms/ssp1.pdf> to show why. Employees may be able to use form SSP1 to claim Incapacity Benefit (Employment and Support Allowance will replace Incapacity Benefit for new customers from autumn 2008).

In this case any medical evidence held will be copied for records and returned to employee

Reasons for non-eligibility for SSP

- a) Employees are not sick for four, or more, days in a row
- b) If an employee does not qualify because their average weekly earnings in the 'set period' are less than the LEL, checks must be made as to whether they received any benefits or expenses, which would otherwise have attracted Class 1 NIC liability, within the 'set period', but were subject to a PAYE Settlement Agreement and Class 1B NICs. If they did, the average weekly earnings must recalculated their average to include these expenses and/or benefits, on which Class 1B NICs were paid, to see if they qualify.
- c) Are within the 18/26 or 39-week exclusion period due to pregnancy or recently having had a baby.
- d) Have already had 28 weeks worth of SSP from Winterwood and this new spell of sickness links to their last one
- e) Were not entitled to SSP the last time they were sick, for any reason, and this spell of sickness links to that one.
- f) Started or returned to work for Winterwood after getting IB from DWP/SSA, **and** are a Welfare to Work beneficiary who is sick within the first 104 weeks of starting, or returning to work.

If employees disagree with the decision they can ask HM Revenue & Customs for a decision about their entitlement.

More information can be obtained from HM customs and Excise (Employers Help book) which can be found at www.hmrc.gov.uk