

## Sick Leave and Sick Pay Scheme – All Staff

### Policy

The Sick Leave and Sick Pay scheme sets out the rights, entitlements and obligations of employees who are absent from work owing to sickness, injury or other disability.

The College has an obligation to pay Statutory Sick Pay (SSP), on behalf of the Job Centre Plus/Department for Work and Pensions, to those employees who are eligible to receive it. The Scheme explains regulations affecting entitlement to Occupational Sickness benefits and the effect of SSP on these benefits.

All employees whether on a permanent or temporary basis, are eligible to receive the benefits described in this Scheme.

### 1. Sick Leave and Sick Pay Scheme

- 1.1 The entitlement to Occupational Sick Pay increases according to the length of the employee's continuous service (see paragraph 1.2 in the Scheme). The date from which continuous service is calculated will be stated in the employee's Statement of Terms and Conditions of Employment (normally referred to as the Contract).
- 1.2 Subject to the provisions of this Scheme, employees will be entitled to the following periods of paid sick leave:

#### Service Sick Pay

During probationary period	Statutory Sick Pay only [see 1.3]
During 1st year of service	1 month full pay and after 4 months' service, 2 months' half pay – after successful completion of probationary period
During 2nd year of service	2 months' full pay and 2 months' half pay
During 3rd year of service	4 months' full pay and 4 months' half pay
During 4th and 5th year of service	5 months' full pay and 5 months' half pay
After 5 years' service	6 months' full pay and 6 months' half pay

**Note: For the purposes of calculating entitlement to Occupational Sick Pay, 'one month' is equivalent to actual working days based on an average of 21.5 days per month.**

- 1.3 Staff who are in their probation period and are absent for a significant/serious reason (e.g. emergency admittance into hospital) will be paid Occupational Sick Pay as set out for those in their first year of service.
- 1.4 The College has the discretion to extend an employee's entitlement to paid sick leave (on either full or half pay) in exceptional circumstances. In exercising this discretion, the College will take into account the seriousness of the case, and the likely beneficial effect of such actions in relieving anxiety and thereby speeding recovery.

- 1.5** The entitlement to paid sick leave for a specific period of sickness absence is calculated as follows:
- (i) by calculating the entitlement appropriate to the employee's service on the first day of any period of sickness absence, and
  - ii) by deducting from that entitlement, the aggregate of periods of sickness absence during the twelve months immediately preceding the first day of absence. In aggregating the periods of absence no account shall be taken of any unpaid absence on sick leave.
- 1.5** If the employee is entitled to receive SSP, or is in receipt of any other allowances or benefits (see 6), these will be offset against any entitlement to full pay.
- 1.6** Where the employee is entitled to receive half pay, the total sum of half pay plus SSP, if appropriate, and any other benefits or allowances, must not exceed full pay. If necessary, the half pay allowance will be reduced.
- 1.7** If a public holiday occurs during a period of sick leave, the employee will continue to receive sick pay. However, no payment will be made for a public holiday which occurs during a period of unpaid sick leave subject to the application of paragraph 10.
- 1.8** In determining an employee's normal pay for the purposes of the scheme, the College will include any regular paid overtime which is an express requirement of their terms of employment.
- 1.9** Exceptional provisions apply to any employee who is injured as a result of a crime of violence in the course of their work for the College.
- 1.10** A period of absence due to injury sustained by the employee in the actual discharge of his/her duties, and which is not attributable to any fault of his/her own, will for the first six months be paid on full pay whether or not the employee is in their fifth year of service or more, thereafter the continuation of full pay will be at the Principal's discretion..

## **2. Notification and Certification of Sickness Absence**

- 2.1** An employee who is unable to attend work because of sickness must notify the College of this fact immediately wherever possible, and should comply with any reporting arrangements in place within the College.
- 2.2** An employee returning to work after a period of sickness absence is required to complete an on-line self-certification statement giving the reasons for absence up to and including the first seven days.
- 2.3** A Statement of Fitness for Work/Fit Note, completed by a qualified medical practitioner, must be submitted for any absence which exceeds seven days. Subsequent certificates must be submitted if the absence continues beyond the period covered by the initial statement. The length of absence covered by each certificate will normally be determined by the medical practitioner.
- 2.4** On the expiry of a Statement of Fitness for Work/Fit Note the default position is that an employee is fit for work unless the employee is provided with another Statement of Fitness for Work. An employee will only be required to provide certification that they are fit to return to work if their practitioner has previously stated this.

- 2.5** Colleges may, at their discretion, accept certificates from Christian Science practitioners or similar.
- 2.6** An employee who goes into hospital or other similar institution is required to submit a doctor's statement on admission and on discharge.
- 2.7** Where the College requires an employee to obtain a Statement of Fitness for Work solely for the purpose of qualifying for sick pay under this scheme (e.g. as in paragraph 3.4), the College will normally refund any charge made for such a statement.
- 2.8** The College may require an employee who is unable to work as a consequence of illness to submit to an examination by a medical practitioner nominated by the College. In such cases, the provisions of the Access to Medical Reports Act 1988 will apply. Any cost incurred in connection with such an examination will be met by the College.

### **3. Absences due to Injuries caused by Accidents**

- 3.1** No allowance will be payable under this scheme in the case of accidents due to active participation in sport as a profession, or where the absence arises from, or is attributable to, the employee's own misconduct.
- 3.2** An employee who is absent as the result of an accident (eg road traffic accident) will not be eligible to receive occupational sick pay if damages might be receivable from a third party. However, the College may pay the employee an advance, the amount of which will not exceed any entitlement under this scheme, subject to the employee signing an undertaking that the total amount of the advance will be refunded or, if the damages paid are less than this total, the actual amount of damages received. Where such an advance is refunded in full, the absence will be recorded for the purposes of this scheme. Where only part of the advance is refunded, the College will decide the length of the period of absence which should be recorded. The employee will retain their SSP, and it is only the Occupational Sick Pay element that is recoverable. The employee will sign an Indemnity Form.

### **4. Termination of Suspension of Allowances**

- 4.1** The provisions of this scheme will cease to apply from the date on which an employee retires, whether by reason of permanent ill-health.
- 4.2** If the College becomes aware that an employee may have failed to comply with any requirement under this scheme, or that he/she is guilty of conduct which might prejudice recovery, the payment of occupational sick pay may be suspended. In such circumstances, the College will advise the employee of the reasons for this suspension and will invite him/her to make any observations. The employee will be given the opportunity to put his/her case before any appropriate manager of the College. If the College decides that the employee has failed, without reasonable excuse, to fulfil the requirements of the scheme, or that he/she has been guilty of conduct prejudicial to recovery, then no further payments will be made in respect of that period of absence.
- 4.3** An employee who goes on sick leave in response to a disciplinary investigation or hearing or in response to the Capability Procedures may have their occupational sick pay suspended.

## **5. Returning to Work**

- 5.1 A General Practitioner has an option, which is to indicate that, and employee 'May be fit for work taking account of the following advice...' The form then invites the GP to tick whether an employee would benefit from any of a number of common adjustments which, if available and with the College's agreement, would allow an employee to continue to work or to return earlier than would otherwise be possible. These would normally be temporary adjustments until the employee returns to normal health. They are:
- a phased return to work
  - altered hours
  - amended duties
  - workplace adaptations
- 5.2 The GP can give general advice on the fit note about illness or injury and its affect on an employee's ability to work and other ideas or recommendations, for example the option to recommend an employee is referred to the College's occupational health service.
- 5.3 It is the College's decision whether to act on the advice of the GP.

### **5.4 Return-to-work plan**

The first step towards agreeing a phased return will be to invite the employee to attend a meeting to discuss a phased return to work following long-term sickness absence.

- 5.4.1 The Line Manager with the Assistant Principal/Director and/or HR can determine the support plan with the employee for the first two weeks. This will be full contractual hours with adjusted duties within those hours. If it is requested that less hours are worked then a contractual reduction and pay will be made.
- 5.4.2 Further meetings will be held as necessary to discuss how the return-to-work plan is progressing.
- 5.4.3 If the support plan needs to go beyond two weeks, then a recommendation will be made to the Principal for his/her approval.
- 5.4.4 Should the GP or Occupational Health recommend a phased return longer than two weeks and a reduction in working hours then it may be necessary to adjust an employee's contractual hours and pay on a temporary basis.

## **6. Allowances and Benefits to be offset against Occupational Sick Pay**

- 6.1 The following allowances will be offset against any entitlement to full pay (see paragraphs 2.4 and 2.5):
- (i) The gross amount of Statutory Sick Pay receivable under the Social Security Contributions and Benefits Act 1992;
  - (ii) The amount of sickness benefits and SSP receivable under the National Insurance Acts and Regulations made under the Acts. (Under the provisions of the Social Security (Incapacity for Work) Act 1994, sickness benefit and invalidity benefit will be replaced by Incapacity Benefit from 13 April 1995);
- 6.2 All employees are obliged to declare to the College their entitlement to any benefits. If the employee fails to do so, the College will be entitled to deduct the maximum such benefit obtainable.

## **7. Entitlements for Widowed or Married Women**

- 7.1** Where a widow or married woman has opted out of paying full National Insurance contributions, the amount taken into account when calculating her allowance under this scheme will be the amount equal to the total state benefit and SSP receivable had full contributions been paid.
- 7.2** In the case of a widow or a widowed mother, when calculating the amount of sick pay payable under this scheme, only those benefits which are additional to those which she receives when she is in normal full employment will be taken into account.

## **8. Victims of Crimes of Violence**

- 8.1** Where an employee is absent because of an injury which results in a payment from the Criminal Injuries Compensation Board, he/she will not be required to refund any sick pay received in accordance with this scheme.
- 8.2** Where an award has been made by the Compensation Board, the College may, at its discretion, discount the period of sick leave occasioned by the injury when calculating any future entitlement to sick pay under this scheme.

## **9. Contact with infectious diseases**

- 9.1** When the approved medical practitioner attests that there is evidence to show a reasonable probability that an absence was due to an infectious or contagious illness, including pulmonary tuberculosis, contracted directly in the course of the employee's employment, full pay shall be allowed for such period of absence as may be authorised by the approved medical practitioner to be due to the illness, and such absence shall not be reckoned against the employee's entitlement to sick leave under Section 1, though such absences are reckonable for entitlement to Statutory Sick Pay.
- 9.2** An employee residing in a house in which some other person is suffering from an infectious or contagious disease shall at once notify the HR Business Partner or the Principal and the employee shall, if required, take such precautions as may be prescribed, provided that if in the opinion of the approved medical practitioner it is considered inadvisable, notwithstanding such precautions, for such an employee to attend duty, full pay shall be allowed during any enforced absence from duty, such pay being sick pay for the purposes of paragraphs 1 to 9. This provision will also apply where, in the opinion of the approved medical practitioner, it is inadvisable for an employee to attend duty for precautionary reasons due to infectious diseases in the workplace. The period of absence under this paragraph shall not be reckoned against the employee's entitlement to sick leave under paragraph 1, though such absences are reckonable for entitlement to Statutory Sick Pay.

## **10. Sickness during Annual Leave**

- 10.1** An employee who falls sick during annual leave should be regarded as being on sick leave from the date of the medical certificate and further annual leave suspended from that date. A medical certificate must be obtained from the first day of sickness and the employee needs to keep in regular contact during the period of sick leave. The request to reclassify the period of absence needs to be put in writing by the employee. Where an employee is absent, due to sickness, statutory annual leave will apply (see 10.2 below).
- 10.2** An employee who is on long term sick leave and has failed to take some or all of their leave will only be allowed to carry over twelve months statutory leave entitlement. This will also apply if their employment terminates and not all of the statutory leave entitlement has been

taken. For the purposes of this clause, the leave year commences 1 September and ends 31 August.

## Reference Documents

Absence Reporting  
Disciplinary Procedure  
Probation Procedure

Reviewed / Approved	By	Date
Reviewed by	Rachael Charles	February 2021
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