

Policy

Title: SICK PAY ENTITLEMENT FOR STAFF LEVELS 1-3

Ref: HR/ER/Version 2.0

Last updated: 1 August 2011

THIS POLICY IS THE LATEST VERSION & SUPERCEDES ANY OTHER POLICY THAT YOU MAY HAVE IN YOUR TERMS & CONDITIONS BOOKLET

1. Sick Pay Scheme

This scheme covers employees who are absent from duty owing to their certificated illness. During their absence employees shall receive not more than the normal weekly wage as defined below, by way of:

- i. payments arising from Statutory Sick Pay (SSP) during twenty eight weeks of absence in any tax year;
- ii. payments arising from State sickness benefits after twenty eight weeks of absence; and
- iii. allowances provided by the Scheme, subject to receiving a minimum of the amount due under the SSP regulations.

2. Conditions for claiming allowance

An employee is not entitled to claim allowance unless:

- i. The claim relates to their own personal sickness. The University's provisions relating to caring responsibilities and domestic emergencies are separate from this policy and may be found in the Compassionate Leave/Domestic Incident policy or the Carers Information pack.
- ii. Where practicable, notification is made on the first day of absence to the officer prescribed for this purpose by the University.
- iii. A self certificate is furnished by the fourth day of absence, unless otherwise required by the University, and a doctor's certificate is furnished for absences exceeding 7 calendar days, including Sunday.
- iv. For longer periods of absence, subsequent doctor's certificates are furnished to the University at the same intervals as they are required for State Sickness benefit purposes.
- v. Where an employee has provided a doctor's open statement during sickness absence he/she must obtain a doctor's statement of fitness to resume duties before returning to work.

3. Exclusion from benefit

Where absence on the grounds of sickness is due to or attributable to:

- i. another person's illness for whom the employee is caring
- ii. an employee's own misconduct; or
- iii. injury whilst working in his/her own time on his/her own account or for another employer for private gain, an employee is not entitled to an allowance under this scheme, except at the discretion of the University.

4. Employees excluded from the Scheme on medical grounds

Where an employee is excluded from the Scheme on medical grounds and is absent due to industrial disease or accident associated with employment at the University, he/she shall be entitled to an allowance based on

an assumed three months' service or, if the actual service is longer, as if he/she had been admitted to the Scheme on the date of his/her appointment.

5. Contact with infectious disease

An employee who is not incapable of work but who is deemed in accordance with the National Insurance Acts to be incapable of work because of contact with infectious disease is entitled to the provisions of this Scheme. A period of absence on this account shall not be reckoned against the employee's entitlement to allowance during absence due to normal sickness or industrial disease or accident.

6. Requirement to submit to medical examination

An employee shall, if required by the University, during any period of prolonged absence or frequent absences, undergo a medical examination by a registered medical practitioner nominated by the University. In the event of a difference in medical opinion as to the employee's fitness to work, the matter shall, at the request of the University or the employee, be submitted to an independent medical referee chosen jointly. If the referee determines that the employee is fit to resume work, the allowance under the Scheme ceases with effect from the date on which the referee determines that the employee should return to work.

7. Scale of allowances

Within any span of 12 months, payment of allowance to staff in levels 1-3 is for the following periods according to length of continuous service:

| Length of Service | Full Pay | Half Pay |
|-----------------------------------|----------|----------|
| During the first 3 months service | 2 weeks | 2 weeks |
| 3 months to 1 year | 2 months | 2 months |
| Second and third year | 3 months | 3 months |
| Fourth and fifth year | 5 months | 5 months |
| After five years of service | 6 months | 6 months |

The University may, at its discretion, extend the period of allowance in an individual case if the circumstances so justify.

8. Calculation of period of allowance

The period during which the allowance is paid is calculated by deducting from the employee's entitlement any period, or the aggregate of periods, or paid absence on sick leave during the 12 months immediately preceding the first day of absence.

9. The full pay allowance

This is the amount which, when added to:

- i. payments arising from the Statutory Sick Pay during the first twenty eight weeks of absence;
- ii. payments arising from State Sickness Benefits after the first twenty eight weeks of absence;
- iii. compensation payments under the Workmen's Compensation Acts and/or the Employers Liability Acts;
- iv. any payment under any Acts amending, altering or affecting those Acts or at Common Law;

is the equivalent of the employee's normal weekly earnings. No deductions are taken from the half pay allowance, except to the extent to which the allowance, including the benefits listed above, exceeds the full normal weekly earnings.

10. Normal weekly earnings for purposes of calculating sickness pay

The normal weekly earnings for the purpose of sick pay are the normal weekly basic pay. This excludes any enhanced payment for unsocial hours, shift supplements, overtime and other allowances regularly paid as an addition to basic wages.

11. National Insurance Benefit and employers' Statutory Sick Pay

The National Insurance Benefit or Statutory Sick Pay which is to be taken into account for the calculation of the allowance is the full payment of which an employee is entitled on the basis that the employee has satisfied, as far as possible, the contribution conditions and, so far as the employee is required by the University to do so, the conditions for the reporting of sickness and the claiming of benefit under the National Insurance Acts and/or the Social Security and Housing Benefits Act 1982. When the 28 weeks of absence under SSP has expired, make up of pay will be on the basis that the employee is receiving full state benefits and that the employee is obliged to declare any alteration in his/her circumstances which might affect these entitlements.

Married women exercising their right to be excepted from the payment of full rate National Insurance contributions shall be deemed, in regard to sickness payments, to be insured in their own rights, and in their case deductions will be made from full and half pay allowances (in accordance with the above) of an amount equal to the benefit that would have been receivable had full National Insurance contributions been paid.

12. Sickness during annual holidays

An employee who falls sick during the course of annual leave is regarded as being on sick leave from the date specified on the doctor's statement and is entitled to take the balance of holiday at a later date after returning to work, provided the balance of holiday is taken before the end of the leave year, or such longer period as may be agreed by the University.

13. Accident – third party claim

If the employee shall receive any payment from a third party (including their own insurance company) in respect of damages for absence from employment due to incapacity, then any sums paid by the University to the employee in respect of the same period of absence shall be recoverable by the University out of such damages as money due to the University.

For the guidance of doubt, recovery by the University from a third party shall not extend the period for which the employee is entitled to sick pay.