EMPLOYER GUIDANCE

***The number of working illnesses have been steadily falling over the past few years, from 39.5 million in 2000-02 to 27.3 million in 2014/15.***

The causes for these illnesses varied, but in 2014/15 ‘[Stress, depression or anxiety](http://www.hse.gov.uk/statistics/dayslost.htm) and musculoskeletal disorders accounted for the majority of days lost due to work-related ill health, 9.9 and 9.5 million days respectively.’

With these [statistics](http://www.hse.gov.uk/statistics/dayslost.htm) in mind, it is worth considering ways to manage and support the mental health of your employees, including having a mental health policy in place, as well as making sure employees are not always stuck working in the same position, as this could damage their musculoskeletal systems, and lead to the problems above. However, some illnesses are completely unavoidable, and in these cases it is important you are aware of whether your employee is owed Statutory Sick Pay (SSP).

SSP, which currently stands at £89.35 per week for a maximum of 28 weeks, must be offered to all employees who are eligible. As an employer, it is your duty to know when you need to pay SSP, as well as who is entitled to it and for how long, read on to find out:

* Who is eligible
* What the notice period is
* How to keep track

## ****Who is eligible?****

As stated on the [Gov.uk](https://www.gov.uk/employers-sick-pay/notice-and-fit-notes) website for Statutory Sick Pay, in order to be eligible for SSP the employee must:

* Have an employment contract
* Have done some work under this contract
* Have been sick for 4 or more days in a row
* Earn at least £112 per week
* Given the correct notice
* Given proof of illness (needed after 7 days off work)

The first 3 days of illness are called ‘waiting days’; on the fourth ‘qualifying day’ (a day the employee normally works), you need to start paying SSP. A sick day is not counted if an employee has worked for over a minute on the day in question.

You only pay SSP for the first 3 days if the employee has been off sick, getting SSP within the last 8 weeks, at which point they are considered ‘linked’ periods of sickness. After 3 years of ‘linked’ sickness SSP payments, the employee is no longer eligible.

Employees are still able to receive SSP if they: have more than one job, have been paid for less than 8 weeks of earnings or if they choose to take annual leave during their sick leave. Employees do not qualify for SSP if they:

* Are Receiving Maternity Pay or Maternity allowance
* Are off work for a pregnancy related illness, but only within the last 4 weeks of their pregnancy
* Are working outside of the EU, if you’re not liable for their national Insurance.
* Have received the maximum amount of SSP payment (28 weeks)
* Have received Employment Support Allowance within 12 weeks of starting or returning to work

[Form SSP1](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/423808/ssp1-may-2015.pdf), which notifies the employee of when their SSP is coming to an end, or of them not being eligible for SSP, must be given: within 7 days of them taking time off sick (if they don’t qualify), within 7 days of their SSP ending or before or on the 23rd week of them receiving SSP (if it is expected their illness will last longer than the payments). Your employee is able to appeal to HMRC if they feel this is unfair (they will be told how to do so on the form itself).

## ****Notice****

Your employee should notify you of their illness within the time limit of your company (or 7 days if there isn’t one in place). You are unable to demand they notify you in any particular way, they just need to let you know. Unless there is a good reason, you do not have to pay SSP for any day that they did not notify you about.

After 7 days of [sickness](https://www.insightsforprofessionals.com/blog/how-to-reduce-sickness-absence), you can ask for a doctor’s note from your employee, but you are not able to withhold SSP payments if this is provided late.

## ****Keeping track****

It is not required that you keep track of what SSP you have paid, however, it may be smart to do so in case of any legal difficulties encountered.

If this leaves confusion, the [Gov.uk](http://Gov.uk) website includes a [SSP calculator](https://www.gov.uk/calculate-statutory-sick-pay), which will help you work out who is eligible, for how much, and for how long.