

### **Introduction**

Statutory Sick Pay (SSP) is paid to employees by their employer for up to 28 weeks for any period of sickness which lasts for four or more days.

If the Applicant is unemployed or self-employed, they cannot claim SSP. The Applicant may be able to claim Employment and Support Allowance instead.

### **Criteria**

There are four key qualifying conditions:

1. There must be a 'period' of incapacity for work'. This means that the Applicant must be incapable of doing the job that they are employed to do because of sickness or disability for at least four days in a row.
2. There has to be a 'period of entitlement' to SSP. This is the actual period of time when the Applicant is entitled to claim SSP. It begins with the start of the period of incapacity for work and ends when the Applicant's employer's liability to pay SSP ends which could be:
  - a. When the Applicant is no longer sick;
  - b. After 28 weeks of SSP;
  - c. If the Applicant's contract of employment has come to an end;
  - d. If the Applicant is taken into legal custody.
3. SSP is only paid for 'qualifying days'. These are normally the days when the Applicant would have been required to work under the terms of their Contract of Employment had they not been sick. SSP is not paid for the first three qualifying days (called 'waiting days').
4. The Applicant's average weekly earnings, before tax and National Insurance contributions, must be at least the level of the lower earnings limit (currently £107.00).

### **Amount**

If the Applicant qualifies for SSP, they will receive £85.85 per week. SSP is subject to deductions for Income Tax and National Insurance contributions.

The Applicant should be paid SSP in the same way and at the same time as they would have received their wages.

In addition, the Applicant's employer may have an occupational sick pay scheme. If the amount the Applicant receives under the occupational sick pay scheme is less than the Applicant's SSP entitlement, the Applicant's employer must make up the balance so that the Applicant is paid all the SSP they are due.

SSP is primarily the responsibility of employers. The Applicant should notify their employer of their sickness as soon as possible. The employer may ask for evidence to show that the Applicant is incapable of work.

The Applicant's SSP will stop after 28 weeks. The Applicant may be able to claim Employment and Support Allowance at this time.

### **Further information**

#### **To claim:**

Department of Works and Pensions - [www.dwp.gov.uk](http://www.dwp.gov.uk)

#### **For help:**

Benefits Enquiry Line - 0800 88 22 00  
[www.direct.gov.uk](http://www.direct.gov.uk)

Citizens Advice Bureau - [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)  
[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

### **About Stewarts Law**

Stewarts Law is the leading personal injury law firm in the United Kingdom with expertise in claims for compensation following spinal injury, brain injury and other serious injuries. Stewarts Law is ranked number one by the two key independent guides to the legal profession, the Legal 500 and Chambers and Partners.

[www.stewartslaw.com](http://www.stewartslaw.com)

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