

Sickness Pay Scheme

Overview

1. The University's Sick Pay Scheme covers employees who are absent from duty owing to certified illness, including industrial disease or accident. During their absence, employees shall receive not more than the normal weekly wage as defined in para. 14 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.

2. The University's Sick Pay Scheme may vary from the statutory requirements of SSP. Care should be taken to distinguish between the respective requirements of the two Schemes. It is not intended that employees shall receive, during the first twenty eight weeks of absence, less than the normal wage as defined in para. 14 below, subject to the amount of service set out in para. 12 below.

Conditions of Admission to the Scheme

3. If requested by the University, an employee shall give details of any past or current illness and undergo a medical examination at the University's expense as a precondition of the scheme.

4. Part-time employees in regular employment (where this is the employee's sole employment) are eligible to qualify for sick pay, provided the other conditions specified above are fulfilled.

5. Part-time employees who are eligible to claim for sick pay under para. 4 above but who do not make national insurance contributions because their earnings are under the Minimum Earnings Level shall be entitled to half pay in accordance with paragraphs 11 – 14 below, with no deductions made.

Conditions for claiming allowance

6. An employee is not entitled to claim allowance unless:-

- where practicable notification is made on the first day of absence to their line manager or such other person as notified to them by their department or the University;
- a self-certificate is furnished by the fourth calendar day of absence, unless otherwise required by the University, and a doctor's certificate is furnished for absence of 7 calendar days, including Sunday;
- for longer periods of absence, subsequent doctor's certificates are furnished to the university at the same intervals as they are required for National Insurance

7. Where an employee has provided an open doctor's statement during sickness absence, the employee must obtain a doctor's statement of "fitness to resume duties" before returning to work.

Exclusion from benefit

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

- An employee's own misconduct, or
- 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.

Employees excluded from the Scheme on medical grounds or lack of service

9. Where an employee is excluded from the scheme on medical grounds or lack of service and is absent due to industrial disease or an accident associated with employment at the university, the employee shall be entitled to an allowance based on an assumed three months' service, or, if the actual service is longer, as if the employee had been admitted to the scheme on the date of appointment.

Contact with infectious diseases

10. An employee who is not incapable of work but who is deemed in accordance with the National Insurance or Health and Safety 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 at work.

Requirement to submit to medical examination

11. 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 for work, the matter shall, at the request of the University or of the employee, be submitted to an independent medical referee who has no association with the University or the employee. If the independent medical 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.

Scale of Allowances

12. Within any span of 12 months, payment of allowance is for the following periods according to length of continuous service, except for those whose earnings are below the NI lower earnings limit:-

Length of service	Full Pay	Half Pay
During first three months service	2 weeks	2 weeks
Three months to one year	2 months	2 months
Second and third year	3 months	3 months
Fourth and fifth year	5 months	5 months
After five years service	6 months	6 months

Earnings below the NI lower earnings limit

For employees whose normal weekly earnings are under the lower earnings limit for making National Insurance contributions the full pay period will be treated as a half day period with no deductions made; this would mean that within any span of 12 months, payment allowance is for the following periods according to length of continuous service:

Length of service	Full Pay	Half Pay
During first three months service	0 weeks	4 weeks
Three months to one year	0 months	4 months
Second and third year	0 months	6 months
Fourth and fifth year	0 months	10 months
After five years service	0 months	12 months

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

Calculation of period of allowance

13. Length of service in relation to the scale of occupational sick pay entitlement is calculated from the first day of the current absence and this remains in place for the entire duration of the absence.

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

15. The full pay allowance is the amount which when added to :-

- Payments arising from Statutory Sick Pay during the first twenty eight weeks of absence;
- Payments arising from State sickness benefits after the first twenty eight weeks of absence;
- Compensation payments under the Workmen's Compensation Acts and/or the Employer Liability Acts;
- Any payments 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.

Normal weekly earnings for purposes of calculating sick pay

16. The normal weekly earnings for the purposes of Occupational sick pay is the normal contracted weekly wage plus enhanced payment for unsocial hours, shift supplements, overtime and other allowances regularly paid as an addition to basic wages; where these elements are part of the terms and conditions of employment.

Where earnings for a normal working week vary from week to week or from one part of the year to another, the calculation is based on average earnings over whatever period is necessary to cover the variations.

Where staff are employed on a zero hours contract, the occupational sick pay should be based on the average pay of the two months prior to the sick leave period. If staff have not been paid for work in the two months immediately prior due to a termly working pattern; the average may be calculated using the two months at the end of the previous term. Statutory sick pay will be offset against the average occupational pay where earnings exceed the NI lower earnings limit in the first period of absence.

National Insurance Benefit and Statutory Sick Pay

17. 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 to which the employee is entitled, on the basis that the employee has satisfied, so 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 claiming state benefits under the current Acts and regulations. 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 alterations in his/her circumstances which might affect these entitlements.

18. Widows and married female employees exercising their rights to be exempted from the payment of full National Insurance Contributions are deemed to be insured in their own right and to be receiving full benefits.

Sickness during annual holidays

19. An employee who falls sick during the course of annual leave must provide a Doctor's Certificate and will be regarded as being on sick leave from the date specified on the Certificate. He / she may 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 period as may be agreed by the University.

Accident – third party claim

20. An employee who is absent as a result of an accident is not entitled to an allowance if damages may be receivable from a third party. In this event, the University may, having regard to the circumstances of the case, advance to the employee a sum not exceeding the allowance provided under this scheme, subject to the employee undertaking to refund from any damages received, the total amount of such allowance or such part thereof as the University may, having regard to the amount of damages recovered, determine after consultation with the employee or his/her representative.

21. In the event of the employee being dissatisfied at the ultimate determination by the University under para. 19, the matter may be referred, either jointly or at the request of either party, to the Joint Secretaries of the Joint Committee for advice. Any period of absence in such a case where a refund of the monies advanced is made in full shall not be taken into account for the purpose of para. 8 of the Scheme.

22. Where, however, the refund is made in part only, the University may, at its discretion, decide to what extent, if any the period of absence shall be taken into account for the purpose of para. 12 above.

23. The requirement to refund allowances from damages received does not extend to any sum awarded by the Criminal Injuries Compensation Board.

Note: This document should be read in conjunction with the Sickness Absence Procedure which can be found at:

<https://www.dur.ac.uk/hr/policies/general/sickabsence> for all employees

<https://www.dur.ac.uk/hr/policies/general/absencemonitor> for Supervisors and Managers