Sick Pay and Sick Leave Regulations for Support Staff Employed in Schools in Hampshire

Extract from the National Conditions of Service Green Book Part 2 as amended to reflect the provisions of the Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) Amendment Regulations 2010

10. Sickness Scheme

10.1 The scheme is intended to supplement Statutory Sick Pay and Incapacity Benefit so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault.

10.2 Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with a local authority. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.

10.3 Employees are entitled to receive sick pay for the following periods:

- During 1st year of service:
  - 1 month’s full pay and
  - (after completing 4 month’s service) 2 months’ half pay

- 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

Authorities shall have discretion to extend the period of sick pay in exceptional cases.

10.4 The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee’s entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
10.5 In the case of full pay periods sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit receivable will secure the equivalent of normal pay.

10.6 In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity Benefit receivable, so long as the total sum does not exceed normal pay.

10.7 Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

10.8 The social security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:

(i) the conditions for the reporting of sickness as required by the authority;
(ii) the claiming of benefits;
(iii) the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.

10.9 An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee’s entitlements under this scheme.

10.10 If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee’s own misconduct or neglect or active participation in professional sport or injury while working in the employee’s own time on their own account for private gain or for another employer sick pay may be suspended. The authority shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the appropriate committee of the authority. If the authority decide that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure.
Extract from the National Conditions of Service Green Book Part 3

4. Sickness Scheme

4.1 An employee shall not be entitled to claim sick pay under the scheme unless:

(i) notification is made immediately to the person identified for this purpose by the authority;
(ii) further notification is made as required by the authority;
(iii) a doctor’s statement of fitness to work is submitted to the authority not later than the eighth calendar day of absence;
(iv) subsequent doctor’s statements are submitted as necessary;
(v) on return to work the employee signs a statement detailing the reasons for absence for all absences up to and including seven days.

4.2 An employee shall, if required by the authority at any time, submit to a medical examination by a medical practitioner nominated by the authority, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Any costs associated with the examination should be met by the employing authority. Where it is necessary to obtain a second medical opinion, it should be provided by an independent medical referee.

4.3 Where, for the purpose of qualifying for sick pay under the scheme, an authority requires a doctor’s statement from an employee, the authority will reimburse the employee the cost of such a statement on the provision of a receipt.

4.4 An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the date of a doctor’s statement of fitness to work.

4.5 Where an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday should be given.

4.6 Widows and married women exercising their right to be excepted from the payment of full rate National Insurance Contributions shall be deemed to be insured in their own right for all National Insurance benefits.
The Sickness Absence Procedure for Support Staff in Schools

The following procedure should be followed whenever you are unable to work due to personal sickness or injury. The procedure does not apply to out-patient appointments or to absences that are connected with the illness or injury of relatives. The procedure enables the County Council and the DSS to validate your absence and to credit you with any pay to which you are entitled.

1. If you are prevented by illness from reporting for duty you should notify your line manager immediately that you will be absent and indicate the possible length of the absence. If exceptionally it is not reasonably practicable for you (or a relative or a friend) to telephone on the first day of absence, you should send an explanatory letter by first class post to your line manager immediately.

2. If you are still absent after the third calendar day you should provide further notification to your line manager as to the nature and probable duration of your illness.

3. You should provide a doctor’s statement of fitness to work to your line manager not later than the eighth calendar day of absence. Subsequent doctor’s statements of fitness to work should be submitted to cover the absence if it extends beyond the period covered by the initial statement. Exceptionally the County Council may in a particular case require statements of fitness to work to be submitted at more frequent intervals. During holiday periods, a doctor’s statement(s) of fitness to work must still be submitted.

4. Your line manager will record the details and will immediately return the doctor’s statement of fitness to work to you; it is essential that you retain any doctor’s statements of fitness to work that are returned – so that, if you are (or become) ineligible for Sick Pay (SSP) you are able to forward them to the DSS with a claim for Sickness Benefit. It is your responsibility to claim Sickness Benefit from the DSS if you are ineligible to receive SSP from the County Council.

5. When you return to work after sickness absence you should ensure that you inform your line manager of your return and complete the relevant forms. On return to work where the absence has continued beyond three days you will certify in writing if required the reasons for all such absences up to and including seven days.

6. While no variation can be made in the requirement that sickness absence must be certified by a qualified medical practitioner, the County Council may at its discretion accept certificates of Christian Science practitioners in particular cases according to circumstances.