



Sick Pay Scheme

LOCAL GOVERNMENT EMPLOYEES

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1.2	New text added as section 7 from Alcohol and Subsistence Policy section 11 (Entitlements)	HR Policy and Employment Law Advisor	July 2015
1.4	New section 8 added as local clarification on taking annual leave when off sick	HR Policy and Employment Law Advisor	July 2019
2.0	Updated to reflect new Sickness Absence Capability Policy and language updated	HRO JG	Nov 2024



Introduction

Sick Pay is a national scheme which has been adopted locally to include the notification requirements included from the Council's Sickness Absence Capability Policy.

1. Sickness Allowances

1.1 The provisions relating to sickness allowances which are payable by the Council are set out in sub-clause 2.5. These allowances are complementary to the statute based payments which an employee may receive and are subject to a range of conditions, many of which are additional to those applying to the statute based payments.

1.2 An employee is not entitled to receive sick pay under the scheme unless:

- (i) They immediately notify their line manager, or other designated officer as soon as possible and no later than their normal start time on the first day of absence to advise of the reason for their non-attendance.
- (ii) They call their line manager every working day for the first week of their absence and weekly thereafter (unless alternative arrangements are agreed due to the nature of the absence).
- (iii) They promptly provide a fit note to their line manager for any absence exceeding 7 consecutive days (this includes non-working days)
- (iv) All subsequent fit notes are submitted with no gaps.
- (v) On returning to work, the employee signs the return to work pro forma detailing the reasons for absence for all absences up to and including seven days.

1.3 Where, for the purpose of qualifying for sick pay under the scheme, a fit note is required from an employee, the Council will, with exception of 1.2 (iii)-(v) above, reimburse the employee the costs of such a statement on the provision of a receipt.

1.4 An employee who falls sick during the course of annual leave will be regarded as being on sick leave from the date of a fit note provided notification arrangements outlined at 1.2 above have been satisfied. Further information can be found in section 21.2 of the policy.

1.5 Where an employee is receiving sick pay under the scheme, sick pay will continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday will be given. Where an employee has exhausted sickness allowance entitlement, no payment should be made in respect of a public holiday occurring during the period of absence.

2. Exclusion from Entitlement

2.1 There is no entitlement to sickness allowance if an employee:

- (i) Has less than 26 weeks continuous service;
- (ii) Goes sick during a stoppage of work at the place of employment due to a trade dispute, unless the employee has not taken part in the trade dispute and has no direct interest in it;

- (iii) On the first day of sickness, has already exhausted or subsequently exhausts sickness allowance entitlement (see 2.5);
- (iv) On the first day of sickness is in legal custody or is subsequently taken into legal custody;
- (v) Fails to satisfy or to continue to satisfy the notification or certification requirements;
- (vi) Is absent on maternity leave;
- (vii) Terminates or has their contract of employment terminated

Note: Termination

The provisions of this scheme cease to apply to an employee whose contract of employment is terminated in pursuance of the provision of the Superannuation Act applicable to the case, whether by reason of permanent ill health or infirmity of mind or body or by reason of age; this is however without prejudice to the right of an employee whose employment is terminated by reason of permanent ill health or infirmity to receive the period of notice specified in the contract of service where appropriate.

2.2 Unauthorised absence

If an employee does not follow the absence notification procedure, this would result in an unauthorised absence. Unauthorised absence is deemed to be a matter of conduct and therefore the employee may face disciplinary action as a result of this non-compliance with the policy.

2.3 Sick pay may be suspended if an employee abuses the sickness scheme or is absent on account of:

- (i) Sickness due or attributable to deliberate conduct prejudicial to recovery or
- (ii) The employee's own misconduct or neglect; or
- (iii) Active participation in professional sport; or
- (iv) Injury while working in the employee's own time on their own account for private gain or for another employer.

The Council will advise the employee of the ground for suspension and the employee will have a right of appeal to the Appeals Committee. If it is decided that the grounds were justified then the employee will 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.

2.4 An employee who is paid any damages as the result of an accident will be required to re-pay any sickness allowance advanced, either in total or the proportion thereof represented in the amount of damages received. Any period of absence in such a case where a refund of the advance is made in full, will not be treated as sickness absence.

2.5 Payment and Period of Entitlement

An employee's entitlement to sickness allowance will depend on length of continuous service as follows:

Service at commencement of absence from duty	Full Allowance for	Half Allowance for
Less than 26 weeks	Nil	Nil
26 weeks or more but less than 1 year	5 weeks	5 weeks
1 year but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks
5 years and over	26 weeks	26 weeks

In exceptional circumstances there shall be local discretion to extend the period of full allowance or half allowance provided for in this paragraph.

The period during which sick pay will be paid, and the rate of sick pay, in respect of any period of absence will 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 except that neither the aggregate nor the twelve month period shall include any periods of absence on unpaid leave. The aggregate of such previous periods of sickness allowance shall be deducted in the first instance from the full allowance period and the balance from the half allowance period to which the employee is entitled in respect of the latest absence.

3. Calculation of Allowance

3.1 In the case of full pay periods, sick pay will be an amount which when added to Statutory Sick Pay and Employment and Support Allowance receivable will secure the equivalent of normal pay.

3.2 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 Employment and Support Allowance receivable, so long as the total sum does not exceed normal pay.

3.3 Definition of Normal Pay

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.

3.4 The state 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 Council;
- (ii) The claiming of benefits;
- (iii) The obligation to declare any entitlements to benefits and any subsequent changes in circumstances affecting such entitlement.

3.5 In the case of employees in receipt of National Insurance benefit or State pension, the full allowance shall be a sum which when added to any payment received by the employee (including dependant's allowances) as a result of sickness absence will be a sum equal to normal pay.

4. Sickness or Disablement due to an Accident in the Course of Employment

All work-related accidents and incidences of assault in the course of employment are to be recorded, investigated and reported as per [Health and Safety guidelines](#).

For Local Government Employees, this should be considered alongside section 8.18 and 8.19 of the Scottish Joint Council National Agreement on Pay and Conditions of Service.

5. Medical Examination

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

6. Infectious Diseases

An employee who is prevented from attending work because of contact with infectious disease will advise their line manager immediately and will be entitled to receive normal pay. The period of absence on this account will not be reckoned against the employee's entitlements under this scheme but will be recorded as due to sickness in the normal manner.

7. Addiction Treatment

Appropriate leave will be granted, if necessary, to undergo rehabilitation treatment recommended by the employee's GP or the Council's Occupational Health Adviser. Such leave will be treated as sick leave within the terms of this scheme.

8. Taking annual leave during a period of sick leave

Local government employees can request to take annual leave while they are absent. If an employee requests to take annual leave during a long term absence, the manager should contact the HR Case Team to discuss the administration of this process.