

STEWARTS
THE LEGAL SERVICE

STATUTORY SICK PAY



Statutory Sick Pay

Statutory Sick Pay (SSP) is paid to employees by their employer for up to 28 weeks for any period of sickness (including serious injury) that lasts for four or more days (including non-working days).

If you are unemployed or self-employed, you cannot claim SSP. You may be able to claim Employment and Support Allowance instead.

Criteria

There are five key qualifying conditions:

1. There must be a “period of incapacity for work”. This means that you must be incapable of doing the job that you are employed to do because of your injury, 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 you are entitled to claim SSP. It begins with the start of the period of incapacity for work and ends when your employer’s liability to pay SSP ends, which could be:
 - When you are no longer sick or incapacitated;
 - After 28 weeks of SSP;
 - If your contract of employment has come to an end; or
 - If you are taken into legal custody.
3. You must tell your employer you are injured or sick before the deadline set by your employer, or within seven days if they do not have a deadline.
4. SSP is only paid for “qualifying days”. These are normally the days when you would have been required to work under the terms of your contract of employment had you not been unable to work due to injury or sickness. SSP is not paid for the first three qualifying days (called “waiting days”).
5. Your average weekly earnings, before tax and National Insurance contributions, must be at least the level of the lower earnings limit (which is £120 per week in the 2021/2022 tax year).

Amount

SSP is subject to deductions for Income Tax and National Insurance contributions.

You should be paid SSP in the same way and at the same time as you would have received your wages.



In addition, your employer may have an occupational sick pay scheme. If the amount you receive under the occupational sick pay scheme is less than your SSP entitlement, your employer must make up the balance so that you are paid all the SSP that you are due.

SSP is primarily the responsibility of employers. You should notify your employer of your injury or sickness as soon as possible. The employer may ask for evidence to show that you are incapable of work.

Your SSP will stop after 28 weeks. You may then be able to claim Employment and Support Allowance (ESA). Alternatively, if you do not qualify for SSP, your employer must give you Form SSP 1 within seven days of your illness. This can then be used to apply for ESA.

Further information

For further information, please speak to your employer or visit www.gov.uk/statutory-sick-pay.

“After the accident and all the emotion that goes with it, the support of the Legal Service team was very reassuring and supportive. The personal touch and the information given when so many life changing decisions needed to be made was comforting.”

(S.W. a former client)

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