What is Statutory Sick Pay (SSP)?

Statutory sick pay is a fixed amount paid by employers to employees who are sick.

If there is a dispute about SSP, the employee can appeal to the Inland Revenue.

Many employers have occupational sick pay schemes that top-up SSP. These are part of the employment contract. If there is a dispute about occupational sick pay the employee may need to take legal action against the employer.

How much do I get?

SSP is £60.20 a week.

If you have a low income, you may also be able to claim income support, housing benefit (if you pay rent) or council tax benefit while you are off sick. Seek further advice about this.

Who can get SSP?

To get SSP you must:

- have average pay, before deductions, of £67.00 or more a week;
- have a contract of employment which has lasted, or is due to last, for more than 3 months;
- have been unable to work because you are sick for at least 4 days;
- be under 65 years old when your sickness began;
- have notified the employer of your sickness;
- not be on strike.

If you fall ill before you actually start work for an employer, you cannot get SSP for this period of sickness, or for any other sickness that starts within 8 weeks of your first day at work.
If you were claiming a benefit because you were incapable of work before you became an employee, your employer does not have to pay you SSP if you fall sick within 8 weeks of that benefit claim ending. In some circumstances this period can be extended to either one or two years. You will go back onto the rate of benefit you received before you started work (which is often more than SSP).

**For how long is SSP paid?**

You cannot get SSP for the first 3 days of sickness unless you have already been off work sick in the last 8 weeks.

You can usually get SSP for 28 weeks. Any periods of sickness separated by less than 8 weeks are added together when working out this 28-week period.

If you have regular absences from work separated by less than 8 weeks, you cannot get SSP for any day that is more than 3 years after your first day of sickness. This applies even if the absences added together are less than 28 weeks in total.

Your SSP will stop if you are dismissed or resign while you are off sick.

**What if I am employed on a temporary contract?**

If your contract is for more than 3 months, you can claim SSP from your employer. SSP will stop if your contract of employment ends while you are off sick.

If you have actually worked for your employer for more than 3 months, even if your written contract is for 3 months or less, you can usually get SSP.

If you have been employed on a series of temporary contracts separated by less than 8 weeks, SSP is payable if these contracts total more than 3 months.

**How do I claim SSP?**

Tell your employer you are sick. Your employer should tell you how they wish to be told. Your employer cannot ask you to tell them in person, or ask for a medical certificate from your GP for the first 7 days of sickness, but you may need to complete a “self-certificate” - form SC1 available from your doctor or the Benefits Agency.

If your employer decides that you cannot get SSP, s/he must give you an “exclusion form” (SSP(1)E) within 7 days.
What if my employer refuses to pay SSP?

If there is a dispute between you and your employer about whether you can get SSP, you can ask the Inland Revenue to decide whether or not you should get it. You can do this by contacting the local office of the Inland Revenue that deals with national insurance contributions. This office is usually in the same building as your local Benefits Agency. You must ask for the decision within 6 months of the first day that your entitlement to SSP is in dispute. If you are unhappy with the Inland Revenue’s decision, you have 30 days to appeal to the Tax Appeal Commissioners.

What happens when SSP ends?

Your employer should give you a form telling you when your SSP ends and returns any medical certificates covering any time after SSP ends.

When SSP ends, if you are still too sick to work, you may be able to claim incapacity benefit or severe disablement allowance from the Benefits Agency. You may also get income support.

Further advice

Your trade union or your local Citizens Advice Bureau can advise you about SSP.

This information is for guidance only and is not an authoritative statement of the law

Produced by the Money Advice Unit

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