

How Statutory Sick Pay works in light of recent changes

Legal firm Gilson Gray has issued guidance for employers and employees looking for clarity on Statutory Sick Pay (SSP) as the COVID-19 pandemic begins to affect businesses of all sizes across the UK.

Graham Millar, Employment Law Partner at Gilson Gray, said while it is important to follow Government, Acas and NHS guidelines as the situation develops over the coming weeks, there are some clear steps that can be taken now to manage sickness-related issues.

Graham said: "Employees can qualify for SSP when they are absent because of incapacity. If an employee is experiencing symptoms of the virus and decides to, or is advised to self-isolate, their absence will likely be regarded as an incapacity and they can avail of SSP.

"Recently, the regulations on SSP changed to include an employee who self-isolates in accordance with the Government guidelines. The Government also brought forward emergency legislation which makes SSP payable from the first day of absence.

"It's good news for smaller companies as well – those with fewer than 250 employees will be reimbursed by the Government for any SSP paid for fourteen days for absences related to the virus."

Further good news for employees and employers is that those who are advised to self-isolate can obtain a notification from the NHS through 111 which can be used as evidence of absence from work – removing some pressure from GP services.

If employers send staff home to self-isolate following Government guidance, employees will be entitled to SSP. This isn't the case if employers are taking precautionary measures and insisting employees do not come to work – in this situation employees are entitled to normal pay.

Graham added: "If employees are concerned about coming to work due to COVID-19, allowing employees to work from home can easily resolve the issue. If this isn't possible, employers will need to consider the current public health advice, including whether it might be discriminatory to refuse employees to work from home.

"It's important to be mindful and consider employees' concerns and fears during this turbulent time. As always, the normal rules on annual leave will apply and employees can take holidays during self-isolation or sickness absences, but they won't be compelled by their bosses to do so.

"Anyone who is not on sick leave can take statutory annual leave, and employers can instruct employees to take statutory leave provided they have given employees the required level of notice – for example if you want someone to take five days' holiday, you will need to give them ten days' notice."

A full version of this guidance is available [here](#)

