

## Statutory pay

As well as the above you must make allowances for Statutory pay (that's sick pay, maternity pay, paternity leave, adoption pay, holiday pay) and ensure you respect diversity in all its forms including ageism. We deal with diversity in our companion guide to Recruitment.

## Sick Pay (SSP)

In the [Contract of Employment](#) you must state how you will operate sick pay.

For an employee to be deemed “sick” they need this to be certified. When they have been away sick for a continuous period of 7 working days they can ask their own doctor to give them a “sick note” which will state how long it will last for and hence when they should return to work.

A doctor will not give a sick note for periods less than 7 days so the employee can just claim to be sick and not come into work. In this case you should ask them to self-certify their period of sickness.

The best way is to ask them to sign a form on their return to work stating the days when they were off sick and saying what was the matter with them. You aren't allowed to ask them for any detail but they must give you a "reasonable response". Descriptions such as “Flu” or “Stress” are acceptable – and indeed that's all you'll get on a doctor's note. This document can be important evidence if you ever have to dismiss them for an extended period of sickness. It also concentrates their mind if they are malingering as they have to make this formal written declaration.

Employees can claim sick pay (SSP) from the government after they have been away sick for 3 days. For 2008 – 2009 this amounts to £15.08 per day based on a 5 day working week. (For the daily rate based on a working week of other than 5 days see [here](#)). You must pay them this amount through your payroll; you

may be able to claim it back from your PAYE/NIC returns (but see below).

Many employers just make this up to the employee's full salary as if they weren't off sick but you don't have to providing this is clear from their Contract of Employment. Legally you can just pay the amount of sick pay to which they're entitled. That tends to make people think twice before "throwing a sickie".

For the HMRC guide to sick pay in PDF format click [here](#).

You might be able to claim this back under the **Percentage Threshold Scheme (PTS)**. This is designed to help employers who have a high percentage of their workforce off sick at any one time.

If in a tax month the total SSP you pay to all of your employees is more than 13% of your total gross employer's plus employees' Class 1 National Insurance contributions (NICs) for the same tax month, you are entitled to a refund of the excess.

If the amount of SSP you are entitled to recover is more than your monthly NICs and PAYE payments, you can deduct the balance from your next month's payment. Your payroll software should work this out for you.

For full details go [here](#).

When an employee returns to work after a period of sick leave (or any significant absence) it's good practice to give him or her a formal "return to work" interview. This should help the employee feel welcome back into the workplace and may also identify any concerns they have about fitting back in. They may give you an indication of whether they are likely to need more time off.

For more information on managing absence and sickness click [here](#).