

# Sickness Absence Reporting and Sick Pay – Questions & Answers

## Aim of the Policy

This document supports the Capability Policy (short and long term absence) by outlining the company's approach to sick pay and absence reporting in more detail.

## Scope of the policy

The Sickness Absence Questions and Answers document applies to all colleagues in NI Water Alpha. Arrangements under TUPE may differ slightly - please refer to your local agreements

## Definitions Table

|                          |        |
|--------------------------|--------|
| Statutory Sick Pay       | SSP    |
| Occupational Sick Pay    | OSP    |
| Company reporting system | Oracle |

## Process and Application

### Reporting Absence

On the first day of absence due to sickness or accident you must phone in and speak to your manager or relevant person within an hour of your normal start time. If your manager is unavailable please contact the person acting on their behalf. You should provide your manager with the reason for absence and how long you anticipate being absent from work.

You should agree with your manager at what intervals you will maintain contact throughout your period of absence. If the absence is expected to be long term you and your manager should agree a process of regular contact.

### Recording Absence

***All absences due to sickness or accident must be recorded on Oracle.***

The recording of sickness absence is a statutory requirement under the HMRC SSP Regulations. Failure to comply with your responsibilities under the sickness absence process may result in disciplinary action.

All days of the week are recorded including days not worked (Saturday, Sunday, or defined rest days).

Where an individual's sickness absence does not take up a full working day this must be recorded on Oracle using the absence type 'Sick Leave (Part Day).'

**For periods of absence of 1 to 7 days;** this should be recorded on Oracle on day 1 by your manager following contact from the employee. However, different teams within NI Water Alpha do this differently and some will require that the employee on their return to work record the absence on Oracle themselves. Should you have any problems entering the information please contact HR Support.

Please note, if your manager does not have access to Oracle, you will need to complete a self-certification form that can be found on HR Online.

**For periods of 8 or more calendar days;** you must obtain a Statement of Fitness for Work ( Fit note), you should send this to your manager who will input the details on Oracle and then send to HR Support within 7 days of receipt. All subsequent statements provided by your Doctor should cover the whole period of sickness absence including hospital admissions when the absence is more than 7 days.

### Oracle Absence Codes

The sickness absence codes are listed below with examples:-

- Allergy
- Anxiety/stress/depression/other psychiatric illnesses
- Appendicitis
- Asthma
- Back Problems
- Benign and malignant tumours, cancers
- Blood disorders (e.g. anaemia)
- Burns, poisoning, frostbite, hypothermia
- Chest&respiratory problems (excl nose & throat probs, asthma, cold, cough, flu)
- Cold, Cough, Flu – Influenza
- Dental and oral problems
- Ear, nose, throat (ENT)
- Endocrine / glandular problems (e.g. diabetes, thyroid, metabolic problems)
- Eye problems
- Gastrointestinal probs (e.g. abdominal pain,gastroenteritis,vomiting,diarrhoea)
- Headache / migraine
- Heart, cardiac & circulatory problems
- Infection
- Infectious diseases
- Injury, fracture
- Joint disorders
- Nervous system disorders - exclude headache/migraine
- Other known causes (nec) - not elsewhere classified in SA scheme
- Other musculoskeletal problems - (exclude back problems- include neck problems)
- Phased Return
- Pregnancy related disorders
- Road Traffic Accident
- RSI (Repetitive Strain Injury)
- Seizure, Epilepsy, Fits
- Skin disorders
- Sprains
- Substance abuse - incl alcoholism & drug dependence
- Unknown causes / Not specified
- Wounds/cuts

Should you require assistance in choosing a code please speak to your manager or the occupational health department.

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### Sickness during annual leave

Days of sickness during annual leave must be supported by a Statement of Fitness for Work (Fit note) even during periods of self-certification (for periods of absence of 1 to 7 days) which should then be recorded on Oracle as sick leave and not annual leave. Colleagues are then entitled to take the annual leave at another time.

## Annual Leave and Sickness Absence

Contractual holiday and bank holiday entitlement will continue to accrue as normal throughout the period of sickness absence. If at the end of the holiday year, an individual has been unable to use their full holiday entitlement due to their sickness absence (ie still on sick leave, or returned to work recently with insufficient time available to use the accrued leave) then any unused accrued leave will be carried over into the next holiday year. Where an individual has returned from sickness absence and has had sufficient time to use their accrued leave, but for whatever reason has not used this, then any outstanding leave will be subject to the normal carry over provisions.

At any time during a period of sickness absence, an individual may request to take a period of annual leave. This will enable an individual to utilise their leave entitlement and will prevent them from losing any outstanding leave at the end of the holiday year.

### Sickness whilst on Annual Leave

If an individual becomes sick whilst on annual leave or on a bank / public holiday and produces a doctor's fit note in support of this, the absence will be counted as sick leave rather than holiday.

## Sick Pay

### Statutory Sick Pay (SSP)

SSP is paid on behalf of the government for a period of up to 28 weeks. This is subject to the rules for payment of benefits. Once SSP is exhausted the individual may be eligible for incapacity benefit, which is claimed direct from the Department for Work and Pensions. HR Support will provide colleagues with a form if they need to make a claim.

### Occupational Sick Pay (OSP)

If you are unable to work as a result of sickness or injury, you are entitled to receive occupational sick pay. OSP is paid by the company and is inclusive of SSP. Individual's entitlement to OSP is dependent upon length of service. The entitlement is set out in the table below. HR Support manages the process and ensures that the transition from full to half OSP and from half to no OSP takes place. This will be recorded on your payslip.

Occupational Sick Pay is a benefit provided by the company, intended to provide financial help to those who are unable to work due to sickness. It is payable only in cases of genuine sickness. Claiming OSP fraudulently is a dismissible offence if the company has reasonable grounds to believe that sick pay is being claimed in circumstances where an employee is fit to work.

The company reserves the right to withhold an individual's occupational sick pay entitlement should they fail to co-operate with the company absence procedure. (SSP) may also be withheld if the legal provision governing eligibility for SSP is not adhered to.

| Length of continuous service      | Full sick pay (weeks) | Half sick pay (weeks) |
|-----------------------------------|-----------------------|-----------------------|
| Not more than 4 months            | 4                     | 0                     |
| Between 4 months and 1 year       | 4                     | 9                     |
| More than 1 and less than 2 years | 9                     | 9                     |
| More than 2 and less than 3 years | 13                    | 13                    |
| More than 3 and less than 4 years | 17                    | 17                    |
| More than 4 and less than 5 years | 22                    | 22                    |

|                   |    |    |
|-------------------|----|----|
| More than 5 years | 26 | 26 |
|-------------------|----|----|

### Accidents at work (accident-related sick pay)

If the absence is due to a certified medical reason following a physical injury arising out of a reportable industrial accident, subject to all four of the following conditions, you will continue to receive full sick pay until your return to work or until the termination of your employment, whichever comes first.

(Please note that when recording sickness absence which results from an accident at work, it must be recorded on Oracle as 'industrial injury' within the list of reasons for sickness absence).

### Conditions for payment of accident-related sick pay:-

- 1) All accidents must be reported to the company as soon as is practicable and at the latest within three days of the accident occurring, using the company's electronic accident report forms, so that the company can satisfy the timescales required by the RIDDOR regulations. Absent employees who are unable to complete the electronic form themselves must contact their line manager within the first 3 days, and the line manager will notify the company safety department.
- 2) If investigations reveal that the accident may be due to the employee's negligence or carelessness, no more extended sick pay will apply, unless and until the company has established whether the employee has taken reasonable care for his/her own safety. However, retrospective payments will be made, as appropriate, once this is determined.
- 3) In the event of a personal injury claim arising out of the accident/injury, any sick pay received will be deducted from the ultimate settlement/award (if any).
- 4) Any claim which the company believes is fraudulent will be treated as gross misconduct.

An employee who is absent from work as a result of an accident will be paid OSP according to the company guidelines. However where a claim for damages is taken against a third party, if the action is successful; the employee **must** reimburse the company for the amount of sick pay which has been reclaimed.

### Individual's role in the process

The calculations and changes to payments within the process are controlled by HR Support, but you need to provide the information which allows them to do so. You should follow the procedures for reporting absence set out on HR Online and ensure that fit notes are sent to your manager immediately.

### Questions and answers on Sick Pay

#### When do I go onto half sick pay or no sick pay?

HR Support will investigate how much absence you have had in a rolling year. When you have exceeded your entitlement to full sick pay (based on length of service), you will move to half OSP, and then to no pay.

#### How does the rolling year work?

To calculate your entitlement, HR Support will take the record of sickness going back 12 months from the start of the current period of sickness (e.g. sickness started 1.9.2019, go back to 2.9.2018).

Any days of sickness absence within that period are added together to calculate the number of days' entitlement already used.

Current periods of sickness are then added to that total, and when the full pay entitlement is exhausted HR Support amend the system to pay half pay.

#### What should I do when I go on to half pay?

You must continue to send in statements of fitness to work to your manager, who will input the details on Oracle. ~~Notes must be consecutive, with no gaps in dates.~~

### What happens to my pay?

When you go on to half pay, all the contractual elements of your sick pay will be halved. This will affect, for example:-

- Basic salary
- Contractual Shift allowances
- Contractual Standby allowances
- Contractual overtime payments etc.

(This list is not intended to cover everything, just to give common examples)

### What happens to statutory payments?

(i.e. tax or national insurance or payments controlled by a court)

You will continue to pay tax, National Insurance and pension contributions, but on the reduced income.

Attachment of earnings orders will continue to be deducted as long as sufficient earnings exist.

### What happens to voluntary payments?

You must tell Pensions Unit if you want to stop paying pension contributions (but this may have an impact on the final pension benefit). Please obtain advice before doing this.

Car loan repayments will continue as long as sufficient funds are available. When your earnings stop, interest will continue to accrue until you are able to either restart repayments or repay the loan in full. If you do not have enough earnings to cover voluntary deductions, HR Support may have to stop these so you do not owe the company money. In this case you will be advised and you can make your own arrangements.

You must tell the Pensions Department ***in writing*** if you want to stop paying pension contributions (but this may have an impact on the final pension benefit, you should ask the Pensions Department for advice before doing anything).

If you do not have enough earnings to cover voluntary deductions, HR Support may have to stop these so you do not owe the company money. In this case you will be advised and you can make your own arrangements.

### What happens to my pay for performance awards whilst I am off sick?

The first quarter the individual goes on leave, a performance award of “achiever” will be payable as long as the previous quarterly assessment was at least “achiever”.

In the second quarter of the individual being on leave, they will receive the same quarterly award as the previous quarter (ie: achiever award or nothing).

No further quarterly awards will be payable until they return to work. A performance award can then be made once the individual has worked at least 2 months of a quarter.

### What happens to my company car/allowance?

Car Alternative is a benefit so the allowance will reduce to half when the salary does.

Where an employee has a company vehicle, the lump sum and mileage rate will be paid for the balance of the first month and the following three months at full rate and then, for the next three months at half rate.

Why is there sometimes an overpayment of OSP which then needs to be paid back?

Because the Company pays so early in the month, and Payroll has to be processed by around the 8th of the month, statements of fitness (fit notes) for work very often have not been received and input by managers before the cut off date. Salary will then be paid incorrectly.

If an employee's fit note is then received, and s/he should have gone to half or no pay during the month, the system will automatically recalculate the salary and recover the overpayment the following month.

You can help to avoid this happening by making sure you send fit notes off to your manager (who will forward them to HR Support after putting them onto Oracle) as soon as you get them from your doctor.

What happens to my entitlement when a service anniversary falls between two periods of absence?

This situation would arise when an employee has a period of sickness which exhausts their FULL pay entitlement and takes them into a period of half or no pay before they return to work. Then shortly after their return they reach an anniversary of service which increases their OSP pay entitlement. They subsequently become sick again and require further sick leave.

When an employee reaches a service anniversary their entitlement to OSP will increase. Counting back over the past 12 months, the full OSP weeks that have been taken so far are deducted from new full OSP weeks.

**Example:-**

In the first year of service an employee is absent for 6 weeks (4 weeks at full OSP and 2 weeks at ½ OSP). They then have a service anniversary once they return to work, giving the employee 9 weeks full OSP and 9 weeks ½ OSP, a following period of absence deducts the amount of OSP already used in that rolling year.

## Version Control

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