

Sick pay

1 . Sick pay entitlement

If someone is off sick they might have a right to sick pay. Both physical and mental health issues can count as sickness.

Check the contract

An employee's contract should say:

- how much sick pay is
- how long sick pay can last
- any rules the employer has for using sick pay

If an employee is eligible for [statutory sick pay \(SSP\)](#), their employer must pay that as a minimum.

It might be written in the contract that employees get more than statutory sick pay. This can be called 'company', 'contractual' or 'occupational' sick pay.

Discretionary sick pay

Employers can have a company sick pay policy that is discretionary. This means the employer offers better pay for some sickness circumstances, but not for others.

If company sick pay is discretionary, the employer must say this in their employees' written statements or employment contracts.

Employers must make sure a discretionary policy:

- does not discriminate against employees because of a protected characteristic, for example if they are disabled
- treats part-time employees the same as equivalent full-time employees

Find out more about:

- [discrimination at work](#)
- [part-time workers' rights](#)

If there's nothing in writing

If there's nothing in writing about sick pay, an employee can:

- ask their manager what the sick pay policy is
- speak to HR, if there is one
- talk to a trade union representative, if they are a member of a trade union

If sickness is caused by work

The same sick pay rules apply if sickness is caused by someone's work. For example, an employee is not entitled to extra sick pay if they get:

- an injury through an accident or negligence at work
- a mental health condition caused by stress at work

This is unless your organisation's sickness policy or the employment contract terms and conditions say otherwise. So it's a good idea to check.

2. Statutory sick pay

By law, employers must pay statutory sick pay (SSP) to employees and workers when they meet the eligibility criteria.

Eligibility criteria

An employee or worker is eligible for statutory sick pay if they:

- have been off sick for at least 4 days in a row – this includes non-working days
- earn on average at least £123 a week, before tax
- have told their employer they're sick within any deadline the employer has set or within 7 days

If an employee is eligible, they are entitled to statutory sick pay for the days they would have worked, except for the first 3. These 3 days are called 'waiting days'.

Agency, casual and zero-hours workers are also entitled to statutory sick pay if they meet the eligibility criteria.

Fit notes

An employer might ask their employee for a fit note before they'll pay statutory sick pay.

A fit note is sometimes called a 'sick note'. It is a statement from a registered healthcare professional giving their medical opinion on a person's fitness for work.

An employee must get a fit note if they've been off sick for more than 7 calendar days.

Employers should be understanding if there's a delay getting a fit note. Employees might have difficulty getting a doctor's appointment.

[Find out more about fit notes and proof of sickness](#)

If someone's not eligible for statutory sick pay

If someone is not eligible for statutory sick pay, their employer must tell them why in writing. They can do this in either:

- an SSP1 form
- a letter or email

[Find employer form SSP1: statutory sick pay on GOV.UK](#)

Someone who is not entitled to statutory sick pay might be entitled to benefits or financial support to help with living costs.

[Find out about benefits and financial support on GOV.UK](#)

How much statutory sick pay is

Statutory sick pay is £116.75 per week. It can be paid for up to 28 weeks.

If an employee or worker is eligible, they are entitled to statutory sick pay for the days they would have worked, except for the first 3.

The days they would have worked are called 'qualifying days'. The first 3 qualifying days are called 'waiting days'.

If the employee or worker does not have a regular pattern of work, the employer should agree with them which days count as qualifying days.

For example, an employee who works Monday to Friday is sick before work on Thursday. By Monday they have been sick for 4 days so are eligible for statutory sick pay. As they do not work weekends, their waiting days are Thursday, Friday and Monday. So the employer must pay statutory sick pay from Tuesday onwards.

Statutory sick pay is the minimum amount employers must pay. Some employers might pay more. If they do, this must be written in the contract or workplace policy.

It should also say in the contract or the organisation's policy whether the first 3 days of sickness absence are paid or unpaid.

Linked periods of sickness

If 2 or more periods of sickness absence are linked, there are only 3 waiting days in total. To be linked, the periods of sickness must:

- last 4 or more days
- be 8 weeks or less apart

If there's a problem with statutory sick pay

[Contact HM Revenue and Customs \(HMRC\) statutory payment dispute team](#) if you think your employer has:

- not paid you statutory sick pay when you're eligible
- paid you the wrong amount of statutory sick pay

More about statutory sick pay

You can find:

- [statutory sick pay information on GOV.UK](#)
- for employers, [statutory sick pay for different employment types on GOV.UK](#)

3. Sick pay and holiday pay

Sickness and holiday can happen at the same time. For example, an employee might:

- take holiday while on sick leave
- become sick while taking holiday

In these circumstances the employer and employee should talk with each other and agree whether:

- the time off will count as sickness or holiday
- the employee will get sick pay or holiday pay

If the employer has a policy on this, they should apply it in a fair and consistent way.

The employer and employee should put what they agree in writing, for example in a letter or email.

Taking holiday while off sick

An employee can use their paid holiday (annual leave) while off sick. For example, if they:

- are not physically able to work, but physically able to take a holiday
- have a mental health condition that might be helped by a holiday
- are off sick long term and a holiday might help with their recovery

It's up to an employee to request holiday while off sick. An employer cannot force an employee to take holiday while off sick.

If the employer approves the employee's holiday request:

- sick leave can be paused while the employee takes holiday
- the employee should get holiday pay while they are on holiday

After the employee has taken the holiday, sick leave can continue if they're still not well enough to return to work.

If an employee is sick on holiday

An employee must report their sickness to their employer if they want to take any holiday as sick leave.

In this case the employee can:

- get [statutory sick pay](#) for the time they were sick – as long as they are entitled to it
- keep the time they were sick to use as holiday another time

Building up holiday entitlement when off sick

Employees 'accrue' (build up) their holiday entitlement as normal when they're off work because of sickness or injury.

Employers can have different rules on how they pay for holiday and sick leave. Employees should check the employment contract or any policy the employer has.

Long-term sick leave

Sick leave is usually considered long term if it lasts longer than 4 weeks.

If someone has not been able to use their holiday because they've been on long-term sick leave, they can carry it over.

Employees on long-term sick leave can carry over 4 weeks' unused holiday entitlement, unless the employer allows more to be carried over. This holiday must be used within 18 months from the date it's carried over.

An employee might not need to carry over any unused holiday. For example, if they return from sick leave and still have enough of the holiday year left to use their holiday.

[Find out more about holiday entitlement](#)

Irregular hours workers and part-year workers

There are different rules about sickness and holiday for irregular hours workers and part-year workers.

Someone is an irregular hours worker if, under their contract in that year, the number of hours they work in each 'pay period' is wholly or mostly variable. A pay period is how often someone gets paid, for example weekly or monthly.

Someone is a part-year worker if their contract:

- says they are required to work only part of that year
- says there are periods of at least a week when they are not required to work and which they are not paid for
- is in place all year around, including when they're not working

[Find out more about holiday and sickness for irregular hours workers and part-year workers](#)

Related content

[Holidays and final pay when someone leaves a job](#)

4. If sick pay runs out

Employees will still [build up paid holiday](#) if they're off sick, even if they're not getting sick pay. They could talk to their employer about using their holiday entitlement if their sick pay runs out.

They might also be eligible for benefits from the government.

[Find out more about getting money after your sick pay runs out from Citizens Advice](#)

Even if sick pay runs out, there's still an employment contract between the employer and the employee.

The employee should continue to:

- report their sickness to the employer
- follow the employer's rules for sickness

The employer should:

- [keep in touch with the employee while they're off](#)
- be clear about sick pay entitlement and when it's due to run out

If sickness is affecting someone's ability to do their job

If sickness is affecting an employee's ability to do their job, their employer should plan:

- any support or adjustments that might help the employee return to work
- [how the employee will return to work](#), once they're well enough

If an employee is disabled, their employer must make [reasonable adjustments](#).

Sometimes an employee's sickness means they cannot return to work. This can be a complex area. For advice on what to do in this situation, [contact the Acas helpline](#).