

THE UNIVERSITY OF SUSSEX**SICKNESS BENEFIT SCHEME FOR MANUAL AND ANCILLARY STAFF****Preamble**

1. The University's Sick Pay Scheme covers employees who are absent from duty owing to certified illness, including industrial disease or accident. During their absence, employees shall receive not more than the normal weekly wage as defined in Paragraph 13 below, by way of
 - (i) payments arising from Statutory Sick Pay (SSP) during 28 weeks of absence in any tax year,
 - (ii) payments arising from State incapacity benefit after 28 weeks of absence and
 - (iii) allowances provided by the Scheme.
2. Following the introduction of Statutory Sick Pay from April 1983, some requirements of the University's Sick Pay Scheme may vary from the statutory requirements of SSP. Care should be taken to distinguish between the respective requirements of the two Schemes. It is not intended that employees shall receive, during the first 28 weeks of absence, less than the normal weekly wage as defined in Paragraph 13 below.

Conditions of admission to the Scheme

3. If requested by the University, an employee shall give details of any past or current illness and undergo a medical examination at the University's expense as a precondition of admission to the Scheme.

Conditions for claiming allowance

4. An employee is not entitled to claim allowance unless:
 - (a) where practicable notification is made on the first day of absence to the officer prescribed for this purpose by the University;
 - (b) a self-certificate is furnished by the fourth day of absence, unless otherwise required by the University, and a doctor's certificate is furnished for absence of more than 7 calendar days, including Sunday;
 - (c) for longer periods of absence, subsequent doctor's certificates are furnished to the University at the same intervals as they are required for National Insurance purposes.
5. Where an employee has provided an open doctor's statement during sickness absence, the employee must obtain a doctor's statement of fitness to resume duties before returning to work.

Exclusion from benefit

6. Where absence on the grounds of sickness is due or attributable to:
 - (a) an employee's own misconduct, or
 - (b) injury whilst working in his/her own time on his/her own account or for another employer for private gain, an employee is not entitled to an allowance under this scheme, except at the discretion of the University.

Employees excluded from the Scheme on medical grounds or lack of service

7. Where an employee is excluded from the Scheme on medical grounds or lack of service and is absent due to industrial disease or accident associated with employment at the University, the employee shall be entitled to an allowance based on an assumed 3 months' service or, if the actual service is longer, as if the employee had been admitted to the Scheme on the date of appointment.

Contact with infectious diseases

8. An employee who is not incapable of work but who is deemed in accordance with the National Insurance Acts to be incapable for work because of contact with infectious disease is entitled to the provisions of this Scheme. A period of absence on this account shall not be reckoned against the employee's entitlement to allowance during absence due to normal sickness or industrial disease or accident.

Requirement to submit to medical examination

9. An employee shall, if required by the University, during any period of prolonged absence or frequent absences, undergo a medical examination by a registered medical practitioner nominated by the University. In the event of a difference in medical opinion as to the employee's fitness for work, the matter shall, at the request of the University or of the employee, be submitted to an independent medical referee chosen jointly. If the referee determines that the employee is fit to resume work, the allowance under the Scheme ceases with effect from the date on which the referee determines that the employee should return to work.

Scale of allowances

10. Within any span of 12 months, payment of allowance is for the following periods according to length of continuous service:

| Length of Service | Full Pay | Half Pay |
|--|-----------------|-----------------|
| During the first three months' service | 2 weeks | 2 weeks |
| First year after three months' service | 2 months | 2 months |
| Second and third year | 3 months | 3 months |
| Fourth and fifth year | 5 months | 5 months |
| After five years' service | 6 months | 6 months |

provided that the University may, at its discretion, extend the period of allowance in an individual case if the circumstances so justify.

Calculation of period of allowance

11. The period during which the allowance is paid is calculated by deducting from the employee's entitlement any period, or the aggregate of periods, of paid absence on sick leave during the 12 months immediately preceding the first day of absence.
12. The full pay allowance is the amount which when added to:
- (a) payments arising from SSP during the first 28 weeks of absence;
 - (b) payments arising from State incapacity benefit after the first 28 weeks of absence;
 - (c) compensation payments under the Employers' Liability Acts;
 - (d) any payments under any Acts amending, altering or affecting those Acts or at Common Law;

is the equivalent of the employee's normal weekly earnings. No deductions are taken from the half pay allowance, except to the extent to which the allowance, including the benefits listed above, exceeds the full normal weekly earnings.

Normal weekly earnings for purposes of calculating sick pay

13. The normal weekly earnings for sick pay purposes are the normal weekly wage plus enhanced payment for unsocial hours, shift supplements, overtime and other allowances regularly paid as an addition to basic wages. Where earnings for a normal working week vary from week to week or from one part of the year to another then the calculation is based on average earnings over whatever period is necessary to cover the variations.

National Insurance Benefit and Employers' Statutory Sick Pay

14. The National Insurance Incapacity Benefit or Statutory Sick Pay which is to be taken into account for the calculation of the allowance is the full payment to which an employee is entitled on the basis that the employee has satisfied, so far as possible, the contribution conditions and, so far as the employee is required by the University to do so, the conditions for the reporting of sickness and the claiming of benefit under the relevant Acts. When the 28 weeks of absence under SSP has expired, make up of pay will be on the basis that the employee is receiving full state benefits and that the employee is obliged to declare any alterations in his/her circumstances which might affect these entitlements.
15. Widows and married women exercising their right to be exempted from the payment of full National Insurance contributions are deemed to be insured in their own right and to be receiving full benefits.

Sickness during annual holidays

16. An employee who falls sick during the course of annual leave is regarded as being on sick leave from the date specified on a self-certificate, or on a doctor's statement in the case of illness exceeding 7 calendar days, and is entitled to take the balance of holiday at a later date after returning to work, provided the balance of holiday is taken before the end of the leave year, or such longer period as may be agreed by the University.

Accident - third party claim

17. Where a member of staff is absent from duty as a result of an injury or accident in such circumstances that damages may be recoverable from a third party, the University shall instead of sick pay advance to the member a sum or sums of money equivalent to the sick pay which he or she would otherwise have received, on condition that the member will refund to the University any sums recovered by him or her from a third party in so far as those sums represent compensation for loss of earnings from the University. The member shall be obliged to make a claim or to take legal proceedings against a third party for such compensation if required so to do by the University on the basis of indemnity from the University as to his or her expenses. Any period of absence in a case where refund of monies advanced is made in full will not be recorded for the purposes of the Sickness Benefit Scheme. Where the refund is made in part only, the University may, at its discretion, decide to what extent the period of absence may so be recorded.
18. In the event of the employee being dissatisfied at the ultimate determination by the University under Paragraph 17, the matter may be referred, either jointly or at the request of either party, to the Joint Secretaries of the Joint Committee for advice. Any period of absence in such a case where a refund of the monies advanced is made in full shall not be taken into account for the purpose of Paragraph 11 of the Scheme.
19. Where, however, the refund is made in part only, the University may, at its discretion, decide to what extent, if any, the period of absence shall be taken into account for the purpose of Paragraph 11 above.
20. The requirement to refund allowances from damages received does not extend to any sum awarded by the Criminal Injuries Compensation Board.