



Trade Remedies
Authority

Sick Pay Rules

October 2023 – V1.0

People Team

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Introduction

This document specifies the rules and eligibility for sick pay in TRA.

Principles

Employees qualify for departmental sick pay if they are unable to work due to illness or injury. Disability leave, medical appointments and workplace adjustment related absence or injury leave for injuries or illness suffered in the workplace are covered in separate guidance.

Criteria

Maximum entitlement will depend on when employees joined TRA.

Employees who joined TRA or its predecessor DIT before 01 April 2014 (Pre-Reform)

Employees are eligible to receive a maximum of 6 months (182 days) of full pay and 6 months (183 days) at half pay in a 12 month period subject to a maximum of 12 months (365/6 days) sick pay in a rolling 4 year period. Once entitlement to full and/or half pay has been exhausted, further sickness absence is unpaid unless sick pay at pension rate is approved.

Paid sickness absence may also be extended in certain exceptional circumstances.

Employees who joined TRA as new entrants from 1 April (Post Reform)

Employees are eligible to receive a maximum sick pay entitlement of 1 month (31 days) full pay and 1 month (31 days) half pay in the first year of service. Maximum entitlement increases on each successive anniversary of service up to a maximum of 5 months full pay and 5 months half pay after 4 years of service has been completed. Once entitlement to full and/or half pay has been exhausted, further sickness absence is unpaid unless sick pay at pension rate is approved.

Paid sickness absence may also be extended in certain exceptional circumstances.

Length of Service (years)	Maximum sick pay entitlement (12 month period)	Maximum entitlement (rolling 4 years)
Up to 1	1 month full pay, 1 month half pay	2 months sick pay (62 days)
1yr up to 2 yrs	2 months full pay, 2 months half pay	4 months sick pay (124 days)

2yrs up to 3 yrs	3 months full pay, 3 months half pay	6 months sick pay (182 days)
3yrs up to 4 yrs	4 months full pay, 4 months half pay	8 months sick pay (248 days)
4 yrs and more	5 months full pay, 5 months half pay	10 months sick pay (310 days)

Increased entitlement occurs on anniversary of service. Periods of paid and unpaid leave count as qualifying service towards the next level of entitlement.

Employees must end any current sickness absence and return to work from sick leave to qualify for the next level of accrued entitlement by service. They do not qualify for a higher entitlement during the same absence, even if the absence crosses their anniversary of service.

Transferees from Other Government Departments

Employees who transferred into TRA from another government department will join whichever of the two schemes above most closely matches their sick pay scheme before transfer. Their previous record will transfer and be continued by TRA.

Previous continuous service in another government department counts in establishing level of entitlement in the post-reform scheme.

Part-time employees and formal compressed hours working patterns

Employees contracted to work less than a 5 day week are allowed a proportionate number of days sick pay in the rolling 4 year period according to the number of days worked in each week. See calculations in the advice section of this document. UK SBS HR Customer Services will also be able to advise on sick pay allowance for employees who work less than a 5 day week.

Sick pay for part-time staff who work regular hours is based on the normal rate of pay for those regular hours. Sick pay for part-time staff whose hours are irregular is based on the normal rate of pay for the average weekly hours worked over the immediately preceding quarter. Part-time employees are allowed the same or a proportion of the sickness pay allowance for their full-time counterparts, based on the number of days worked each week rather than the number of hours.

If you work part-time and on every day of the working week, your sickness pay allowance is calculated in the same way as for full-time staff.

If you work part-time and do not work on every day of the working week, your sickness pay allowance is calculated on a proportionate basis and in working days, with fractions of days rounded up to the nearest full day.

Equivalent full-time sickness pay allowance divided by 7 (days in a week) times the number of days worked in a week equals the part time sick allowance (rounded to a day).

Example:

An employee on the pre reform scheme who works 3 days a week will be entitled to $365 / 7 \times 3 = 157$ total days sick pay (78 full pay / 79 half pay).

If you work compressed hours, your sickness absence allowance is based on the number of days you work each week. Your sickness absence allowance is calculated on a proportionate basis and in working days, with fractions of days rounded up to the nearest full day.

Equivalent full-time sickness pay allowance divided by 7 (days in a week) times the number of days worked in a week equals the compressed hours sick allowance (rounded to a full day).

Example:

An employee who works a 5 over 4 pattern will be entitled to $365/7 \times 4 = 209$ total days sick pay (104 full pay / 105 half pay).

Part -Year (term-time) appointments

Employees on part-year, or term-time working patterns are allowed a proportionate number of days sick pay based on the number of weeks in the year they work. UK SBS HR Customer Services will also be able to advise on sick pay entitlements for employees who work less than a full year.

Employees on part-year, term-time appointments are not entitled to sick pay during non-working periods. Staff employed on part-year appointments are allowed a proportion of the sickness absence allowance for full-time employees, based on the number of weeks worked in a year. Periods of paid service are aggregated for the purpose of determining sickness pay allowances. Staff on part-year appointments are not entitled to sick pay during non-working periods. Such periods do not count towards the one year and 4 year review periods.

An employee on the post reform scheme, with less than 1 year service who works 3 days a week will be entitled to $62/7 \times 3 = 27$ total days (13 full pay / 14 half pay).

Four year period

The following unpaid absences will be classified as non-qualifying service for the purpose of determining the 12 month review periods:

- Unpaid sickness absence
- Sickness absence at pension rate
- Special leave without pay
- Unauthorised absence
- Breaks in employment
- Non-working periods for contractual part year, term-time
- Career break
- Relevant unpaid absences recorded by previous Government departments.

All the above except the top two bullets do not count towards the 4 year review period. The start dates for the 12 month and 4 year review periods are backdated by these types of leave and service.

Employees who have exhausted their paid sick leave in a rolling 4 year period must end their current sickness and return to work to qualify for any renewed entitlement.

Statutory Sick Pay (SSP)

Employees may be eligible for Statutory Sick Pay for up to 28 weeks. Sick pay including any Statutory Sick pay cannot exceed full pay. Where there is an entitlement to both Statutory sick pay and department sick pay, it is paid as follows:

- During full pay – as a notional element
- During half pay and pension rate (SSPR) – as an actual amount –subject to the limit in para 17.
- During no pay – on its own as an actual amount

Sick Pay at Pension Rate (SPPR)

When departmental sick leave entitlement on full and half pay has been exhausted, further sick leave is normally unpaid or at SSP rate. Employees who have two or more years' service may be entitled to sick pay at pension rate (SPPR) for up to 12 months. This is paid at the rate of pension an employee would have received if they

were to retire on ill-health grounds, unless this is greater than the half pay sick rate, in which case the half pay rate applies.

SPPR is authorised by a line manager following advice from the People Team and is dependent on the circumstances of the case, if there is a reasonable prospect of return to duty. Further extensions are allowed in exceptional circumstance provided that a resolution to the absence is still in prospect, (this might be medical retirement). The line manager will have sought Occupational Health advice on the case to help inform the decision.

UK SBS will inform an employee and a line manager when sick leave on full pay and half pay has been exhausted so that SPPR may be considered, send the line manager relevant authorisation form for completion and obtain a pension quote from MyCSP.

Pregnancy related sickness absence

Pregnancy related sickness absence during the protected period does not count towards the calculation of half or nil pay dates. Managers must use the correct absence reason on the drop down menu on Oracle. They should raise a service request to retrospectively change an incorrect absence reason.

Extensions of sick pay

Where entitlement to full and half sick pay has expired due to a single, serious long-term absence and the employee has returned to work, the manager may allow an extension to sick pay for:

- every day ailments that are unrelated to the original illness or
- where time off work is needed for continuing treatment of the original illness or (see also the special leave with pay policy and the disability leave policy for medical treatment where an employee is otherwise fit for work) or
- to recover from debilitating side-effects

Managers can authorise an extension of up to 40 days sick pay for employees in addition to their maximum sick pay entitlement of 365/6 days (pre 01 April 2014 employees) or 310 days (post 01 April 2014 employees) in a 4 year period subject to approval by the Head of People and Head of Finance before being applied.

Where an employee has not yet earned their maximum entitlement to sick pay due to length of service and date of entry, extensions for the reasons above may be authorised as per the following table:

Length of Service (years)	Maximum sick pay extension
Up to 1 year	10 days
1 year – up to 2 years	20 days
2 years – up to 3 years	30 days
3 years –up to 4 years	40 days
4 years and more	40 days

Managers should treat all employees fairly and equitably when considering extensions and may like to seek advice from the People Team. Managers should contact UK SBS HR Customer Services to implement the extension. The maximum extension allowed for part-time staff in similar circumstances is calculated on a proportionate basis.

Non working periods

Employees are not entitled to departmental sick pay during non-working periods (career breaks and term time for term time workers) but they may be entitled to SSP.

Temporary Cover in a higher grade

Entitlement to a higher grade salary or temporary cover allowance is withdrawn from the 15th day of sickness absence unless a return date has been agreed.

Version Control

Version Number	Date of update	Owner	Details of update
1.0	October 2023	Head of People	