



March 2020

### SSP: reduction in waiting days and confirmation as to who is deemed to qualify for SSP

In a recent update we referred to a new law which permitted the Government to make regulations to suspend the current 3 waiting days for SSP purposes. These regulations have now been passed and have become law.

Furthermore, the regulations have clarified who is deemed to be sick for the purposes of being entitled to SSP when they are self-isolating in accordance with Government guidance. It was unclear, for example, whether those who are deemed to be vulnerable people and advised to distance themselves qualify for SSP whilst they do so. Whether they do qualify for SSP has now been made clear under *The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020*.

#### Day1 SSP rights

These regulations permit payment of SSP from day one of an employee's absence from work (rather than day four), where the employee is incapable, or deemed to be incapable, of doing work by reason of COVID-19.

This applies retrospectively for absence on or after 13 March 2020.

#### Vulnerable people

As for those who qualify, the regulations have the effect (through quite a long-winded route) of specifying when a person is deemed to be incapable of work because they are self-isolating to prevent infection from COVID-19, being:

1. They have symptoms of COVID-19, however mild, and are staying at home for seven days, beginning with the day on which the symptoms started ("day 1").
2. They live with someone who is self-isolating (under number 1 above) and are staying at home for 14 days, beginning with day 1.

3. They are already self-isolating in accordance with number 2 above, develop the symptoms of COVID-19, however mild, and are staying at home for seven days, beginning with the day the symptoms started.

This provides certainty that those employees classed as vulnerable in the *COVID-19: guidance on social distancing and for vulnerable people* who are strongly advised to "socially distance" and work from home, will not be entitled to SSP where they are unable to carry out their roles from home.

For more information on the items raised in this article please contact Nick Hall on 01604 463375 or [click here](#) to email Nick.

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