

Sick pay

1 . Sick pay entitlement

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

Check the contract

A worker'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 a worker is eligible for [statutory sick pay \(SSP\)](#), their employer must pay that as a minimum.

It might be written in the contract that workers 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 written statements or employment contracts.

Employers must make sure a discretionary policy:

- does not discriminate because of a protected characteristic, for example if a worker is disabled
- treats part-time workers 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, a worker 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, a worker 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 workers who meet the eligibility criteria.

Eligibility criteria

The [Employment Rights Act 2025](#) is changing the eligibility criteria for statutory sick pay. The changes will apply from 6 April 2026 and are not yet law.

Before 6 April 2026

A worker is eligible for statutory sick pay if they:

- have done some work for their employer
- have been off sick for at least 4 days in a row – this includes non-working days
- earn on average at least £125 a week, before tax
- have told their employer they're sick within any deadline the employer has set or within 7 days
- are classed as employed for tax purposes

Those classed as employed for tax purposes include anyone who has their tax paid automatically through PAYE. For example, employees and agency workers.

Workers who pay their own tax through self assessment are not eligible to receive statutory sick pay.

[Check employment status for tax on GOV.UK](#)

When statutory sick pay is paid

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

For example, a worker 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

From 6 April 2026

The [Employment Rights Act 2025](#) is changing the eligibility criteria for statutory sick pay. From 6 April 2026:

- statutory sick pay will be paid from the first day of sickness, instead of the fourth day
- the lower earnings limit will be removed – workers will not need to earn a minimum amount to be eligible

The other eligibility criteria will stay the same. Workers must meet all of the criteria to be entitled to statutory sick pay.

For sickness absences that started before 6 April 2026

The [Employment Rights Act 2025](#) is introducing changes to statutory sick pay. This will affect sickness absences that start before 6 April 2026 and continue beyond this date.

An eligible worker will be entitled to statutory sick pay from 6 April if this is a qualifying day. This applies even if they:

- have not completed the 3 waiting days by 6 April 2026
- earn less than the lower earnings limit

Qualifying days are days when someone would usually be required to work.

Some workers might not have a regular pattern of work. Their employer should agree with them which days count as qualifying days.

For example, Ash earns £110 per week. They are off sick on 5, 6 and 7 April. Due to the lower earnings limit, Ash won't receive statutory sick pay before 6 April. However, they will be entitled to statutory sick pay for any qualifying days from 6 April onwards.

How much statutory sick pay is

Statutory sick pay is £118.75 per week. It can be paid for up to 28 weeks.

From 6 April 2026

The [Employment Rights Act 2025](#) is changing the rates for statutory sick pay.

From 6 April 2026, statutory sick pay will be either:

- 80% of the worker's average weekly earnings
- £123.25 per week

Eligible workers will be entitled to whichever rate is lower. It will be paid from the first full day of sickness absence.

Average weekly earnings will be calculated based on the 8 weeks before the sickness absence. Payments will be rounded up to the nearest penny.

Calculating sick pay for linked periods of sickness

Being off sick for the same reason more than once might be a 'linked period of sickness'.

In a linked period of sickness, the initial period's average weekly earnings will be used for subsequent calculations.

To be linked, the periods of sickness must be 8 weeks apart or less.

Protection to prevent a reduction in sick pay

A worker's sickness might start before 6 April 2026 and continue beyond this date. In this situation, they might be transitionally protected for their continuous absence. This means they would not receive a reduction in their pay.

These arrangements could protect some workers from being paid less because of the law change.

Workers will be transitionally protected for a continuous absence if they:

- earn between £125 and £154.05 per week
- are already receiving statutory sick pay before 6 April 2026

To prevent a reduction in their pay, they will still get the flat rate of £123.25. This will continue until one of these things happens (whichever comes first):

- they return to work
- they have been receiving statutory sick pay for 28 weeks
- their employment ends
- they start receiving statutory maternity pay or maternity allowance

If they return to work and are off sick again within 8 weeks, they will get either:

- £123.25 per week
- 80% of their average weekly earnings

Workers will be entitled to whichever rate is lower for the second period of sickness.

Fit notes

An employer might ask a worker 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.

A worker must get a fit note if:

- they have been sick for more than 7 calendar days
- their employer requests one

An employer should be understanding if there's a delay getting a fit note. A worker 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](#)

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, a worker might:

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

In these circumstances the employer and worker should talk with each other and discuss whether:

- the time off will count as sickness or holiday
- the worker 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 worker should put what they agree in writing, for example in a letter or email.

Taking holiday while off sick

A worker 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 a worker to request holiday while off sick. An employer cannot force a worker to take holiday while off sick.

If the employer approves the worker's holiday request:

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

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

If a worker is sick on holiday

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

In this case the worker 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

Workers '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. Workers 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.

Workers 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.

A worker 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

Workers 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 worker.

The worker should continue to:

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

The employer should:

- [keep in touch with the worker 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 a worker's ability to do their job, their employer should plan:

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

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

Sometimes a worker'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](#).