

Statutory Sick after brain injury



This publication is part of Headway's *welfare benefits after brain injury* series. To browse through our publications on a range of issues relating to brain injury and download these free-of-charge, visit www.headway.org.uk/information-library.

What is Statutory Sick Pay?

If you sustain a brain injury that prevents you from being able to return to your work for at least four consecutive days (including non-working days), you might be able to receive Statutory Sick Pay (SSP) from your employer. Even a seemingly minor knock to the head can cause a mild brain injury (otherwise called concussion), which can require you to take time off work to rest.

SSP is paid in the same way as your normal wages and it is taxable.

You cannot get SSP if you are unemployed or self-employed. You also must be earning at least £120 a week from your employment to be eligible.

The standard rate of SSP at the time of writing is £109.40 a week, which can be claimed for up to 28 weeks. However, it is worth checking your contract of employment or company policies about their sick pay scheme, as this is often more generous and can help you to assess whether SSP is right for you.

Other eligibility requirements for SSP are provided on the UK government website at www.gov.uk/statutory-sick-pay/eligibility.

Rules for welfare benefits change regularly. You should always check the latest guidance at www.gov.uk/browse/benefits.

How to claim SSP

You should inform your employer of your intention to claim SSP as soon as possible. Your employer might have a deadline for this, otherwise you should tell them within 7 days of being off sick.

You may choose to inform your employer in writing, as this can give you an

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opportunity to explain how you feel in some detail and give you a written record of your request.

You will also need to provide a 'fit note', which can be from your GP or hospital doctor. Your employer may also accept a note from other relevant professionals supporting you, such as a physiotherapist or occupational therapist.

SSP eligibility decision

Your employer will decide whether or not you can receive SSP.

If **you are considered to be eligible**, you will receive SSP for up to 28 weeks, after which you will need to apply for welfare benefits. You can apply for these in advance of your SSP ending. Further guidance on this is available in the following section *After SSP*.

If **your employer considers you to not be eligible**, you will be given a reason for this. It might be that your employer and/or doctor feel that you can continue working if adjustments are made to your role or workplace environment. Possible forms of adjustments are suggested in our publication [Returning to work after brain injury](#). You might be given information about alternative benefits that you could be eligible for instead.

If you disagree with a decision made by your employer, discuss this with them first. You might need to provide further information about how your injury has affected your ability to work.

If you cannot resolve things with your employer, you can contact HMRC's Statutory Payment Dispute Team:

Telephone: 0300 322 9422

Textphone: 0300 200 3212

Post: Statutory Payment Dispute Team, PT Operations, North East England, HMRC, BX9 1AN, United Kingdom

Helpline: 0808 800 2244
Email: helpline@headway.org.uk
Web: www.headway.org.uk

After SSP

If you might be off work because of your brain injury for more than 28 weeks, you can start to apply for benefits up to three months before SSP ends. You may then start to receive these as soon as your SSP ends.

The benefits that you may be eligible for are Employment and Support Allowance (ESA) and Universal Credit (UC).

Further information on ESA is available in our publication [*Employment and Support Allowance after brain injury*](#).

Further information on UC is available in our publication [*Universal Credit after brain injury*](#).

Further information on SSP is available on the government website at www.gov.uk/statutory-sick-pay.

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