

Section 2 Notes to the employee about claiming Incapacity Benefit

What is Incapacity Benefit?

Incapacity Benefit is a social security benefit for people who have an illness or disability. Sick or sickness is now referred to as *illness or disability*.

You may be able to get Incapacity Benefit if you have an illness or disability and

- you have been getting Statutory Sick Pay (SSP) and this has now stopped, or
- you work for an employer but you cannot get SSP.

You can find out more about Incapacity Benefit in leaflets **IB1JP** *A guide to Incapacity Benefit - Information for new customers* or **DHC1JP** *A guide for disabled people, those with health conditions, and carers*. You can get these leaflets from Jobcentre Plus, or visit our website at www.dwp.gov.uk

How to claim

Get your employer to complete form **SSP1**. You will need it to support your claim for Incapacity Benefit.

Phone Jobcentre Plus to claim Incapacity Benefit. You can find the phone number and address on the advert in the business numbers section of the phone book. Look under **Jobcentre Plus**.

Statutory Sick Pay (SSP) is money paid by employers to employees who are away from work for 4 days or more in a row because of an illness or disability.

If you disagree with your employer's decision not to pay you SSP, ask your employer to explain it to you. If you still disagree with the decision, ask an HM Revenue & Customs office for advice. You may be able to ask for an HM Revenue & Customs officer's decision. You can contact them by phone, their phone number and address are in the phone book under **HM Revenue & Customs** or **Inland Revenue**.

Where to get help and advice

For information about your own claim

Get in touch with Jobcentre Plus. You can find the phone number and address on the advert in the business numbers section of the phone book. Look under **Jobcentre Plus**.

For more information about benefits and services visit our website at www.dwp.gov.uk

Who you can claim extra Incapacity Benefit for?

Claiming extra Incapacity Benefit for an adult

If you have any children or qualifying young persons living with you

You may be able to get extra Incapacity Benefit for

- your spouse,
- civil partner, **or**
- someone who looks after children or qualifying young persons for you.

If you are claiming for a spouse, civil partner or someone looking after children or qualifying young persons for you

If you are claiming an increase of Incapacity Benefit for an adult, we may need them to go to a work focused interview with a personal adviser.

They will not have to go to a work focused interview unless you have been claiming Incapacity Benefit for 26 weeks or more. We will let them know if they have to go.

If they do not take part in the work focused interview without good reason your benefit may be affected.

If you do not have any children or qualifying young persons

You may be able to get extra Incapacity Benefit for your spouse or civil partner if they are aged 60 or over. They will not need to go to a work focused interview.

We use *child* to mean a person aged under 16 for whom Child Benefit is being paid.

We use *qualifying young person* to mean a person aged 16 to 20 for whom Child Benefit is being paid.

Other help

Disability Living Allowance

This is a social security benefit for people with an illness or disability who need

- help with getting around, **or**
- help with personal care, **or**
- help with both of these.

If you want to find out more about this, get leaflet **DLAA5DCS** *Disability Living Allowance* from Jobcentre Plus.

Incapacity Benefit for young people

Incapacity Benefit is available for young people aged 16 or over but under 20, **or** aged 20 or over but under 25 in some cases, who

- have been incapacitated early in life
- are unable to work because of illness or disability
- have not paid enough National Insurance (NI) contributions to be able to get Incapacity Benefit under the normal rules.

For more detailed information about Incapacity Benefit, get leaflet **IB1JP A** *guide to Incapacity Benefit - Information for new customers* from Jobcentre Plus.

Industrial Injuries Disablement Benefit

This is a social security benefit for people who are disabled because of

- an accident at work, **or**
- an industrial disease.

If you want to find out more about this, get leaflet **IIDBAA5JP** *Industrial Injuries Disablement Benefit - Accidents* or leaflet **IIDBDA5JP** *Industrial Injuries Disablement Benefit (diseases)* from Jobcentre Plus.

Other help – continued

Working Tax Credit

This is a tax credit to top up the earnings of working people. You can claim Working Tax Credit if

- you are aged 16 or over, **and**
- you work at least 16 hours a week, **and**
- you or your partner are responsible for a child or qualifying young person, **or**
- you have a disability which puts you at a disadvantage in getting a job, **or**
- you or your partner are aged 50 or more and are returning to work after a spell on qualifying out of work benefits.

If you do not have children, qualifying young persons or a disability that puts you at a disadvantage in getting a job, you can also claim Working Tax Credit if

- you are aged 25 or over, **and**
- you work at least 30 hours a week.

The Working Tax Credit is available to self-employed people and employees. If you want to know more about Working Tax Credit contact HM Revenue & Customs on the numbers listed below.

Child Tax Credit

You cannot claim an increase of benefit for children or qualifying young persons, but you can claim Child Tax Credit instead. To find out more about Child Tax Credit visit www.hmrc.gov.uk
You can claim online too.

You can also phone HM Revenue & Customs by calling the Helpline on the following numbers:

England, Scotland and Wales – **0845 300 3900**
Northern Ireland only – **0845 603 2000**

Textphone for people with hearing or speech difficulties:

England, Scotland and Wales – **0845 300 3909**
Northern Ireland only – **0845 607 6078**

Lines open 8am–8pm seven days a week except Christmas Day, Boxing Day, New Year's Day and Easter Sunday.

If you need help or a form in Welsh, please phone **0845 302 1489**. Lines are open 8.30am–5pm Monday to Friday.

Income Support

You may be able to get Income Support if you cannot get Incapacity Benefit, or if your Incapacity Benefit does not give you enough money to live on. If you think you may be able to get Income Support, you should claim straight away because Income Support will only be payable from the date your claim is received by Jobcentre Plus. Ask for leaflet **DHC1JP** *A guide for disabled people, those with health conditions, and carers* from Jobcentre Plus.

Pension Credit

You may be entitled to Pension Credit if you are aged 60 or over. You can apply for Pension Credit by phoning The Pension Service on **0800 99 1234**. For people with speech or hearing difficulties using a **textphone** the number is **0800 16 90 133**. Lines are open 8.00am to 8.00pm Monday to Friday and 9.00am to 1.00pm on Saturday.

You may also apply on the internet. Visit the website at www.thepensionservice.gov.uk/pensioncredit

For general information about Pension Credit see leaflet **PC1L** *Pension Credit*. You can get it from Jobcentre Plus or a pension centre.

Other help – continued

Jobseeker's Allowance

This is a social security benefit for people who are unemployed and looking for work.

NHS charges

You may be able to get help with paying for things like NHS prescriptions and NHS dental treatment.

Housing Benefit

Housing Benefit is paid by local councils to people who need help to pay their rent. Housing Benefit is **not** paid to help with the cost of mortgage interest payments.

Council Tax Benefit

You may be able to get Council Tax Benefit from your local council to help with paying your council tax.

You can find out more about these benefits from Jobcentre Plus, or visit our website at www.dwp.gov.uk

How we collect and use information

The information we collect about you and how we use it depends mainly on the reason for your business with us, but we may use it for any of the Department's purposes, which include

- social security benefits and allowances
- child support
- employment and training
- private pensions policy, and
- retirement planning.

We may obtain information from others to check the information you provide and to improve our services, and may give information to other organisations as the law allows, for example to safeguard against crime.

To find out more about how we use information, ask for leaflet **GL33 DWP and Your Personal Information** at any of our offices, or visit our website www.dwp.gov.uk/privacy.asp

Statutory Sick Pay (SSP) and Incapacity Benefit



Part of the Department for
Work and Pensions

Notes **About this form**

Employers should fill in this form when an employee is not entitled to Statutory Sick Pay (SSP), or when SSP has come to an end. **When it is completed the form should be given to the employee, who will then make a claim for Incapacity Benefit.**

Employees – Please note this form is not a claim for benefit. You will need your employer to fill in this form to support your claim. See Section 2 How to claim.

Section 1

is for the employer to give information about Statutory Sick Pay (SSP). The information will help the Department for Work and Pensions to decide on your employee's Incapacity Benefit claim.

- **Part A** asks for information about the employee and SSP
- **Part B** tells the employee why the employer cannot pay SSP
- **Part C** asks for further information about sickness and SSP
- **Part D** is a declaration by the employer that all information is correct and complete

Parts A, B and D must be completed by the employer. **Part C** should only be completed when the employee in question has already received SSP from the employer.

Section 2

are notes for the employee explaining how and where to claim Incapacity Benefit.

Statutory Sick Pay is money paid by employers to employees who are away from work for 4 days or more in a row because they have an illness or disability.

Incapacity Benefit is a social security benefit employees may be able to get because of their illness or disability when their SSP ends or if they cannot get SSP.

Section 1 About SSP and your employee

Part A **About your employee**

Surname	Mr/Mrs/Miss/Ms						
Other names							
National Insurance (NI) number	<table border="1"> <tr> <td>Letters</td> <td>Numbers</td> <td>Letter</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	Letters	Numbers	Letter	<input type="text"/>	<input type="text"/>	<input type="text"/>
Letters	Numbers	Letter					
<input type="text"/>	<input type="text"/>	<input type="text"/>					
Clock or payroll number							
Tax reference number							
Address							
	Postcode						

Notes **To the employer**

When to fill in this form

- **If you cannot pay any SSP to this employee**

Fill in **Section 1** of this form as soon as they have been sick for 4 days in a row. Count weekends, holidays and other days that the employee would not normally work.

In these circumstances you must by law, give this form to your employee

- no later than 7 days after you knew that the employee was sick for 4 days in a row, or if this is not possible
- no later than the first payday in the tax month following your employee being sick for more than 4 days in a row.

- **If you have been paying SSP to your employee but payments of SSP are about to stop even though your employee is still sick, or**
- **if payment of SSP has not been made because you have decided to pay normal salary during the period of sickness, and this period is coming to an end, and the employee is still sick**

Fill in Section 1 of this form and you must then, by law, give this form to your employee

- at the beginning of the 23rd week of SSP. This will let the employee know that their SSP will soon stop, or
- 2 weeks before you will stop paying SSP, if you know that this will be before they have had SSP for 23 weeks, or
- as soon as you can, if you have to stop paying SSP suddenly.

If you use a computer

Instead of filling in **this form** you can attach a computer print out of the information we need. But please make sure the print out

- is in a format which is easy to understand
- contains all the information we ask for
- contains all the details in the employer's declaration on **page 5, and**
- has been signed.

If you are not sure if your print out will be suitable, send a copy to your local office and they will advise you. You can find their phone number and address on the advert in the business numbers section of the phone book. Look under **Jobcentre Plus**.

If you want more information

For more information about SSP, please read

- **E14 Employers' Help Book** *What to do if your employee is sick*, and
- **E14 Supplement** *What to do if your employee is sick – special cases*.

You can get these from any HM Revenue & Customs office or visit the HM Revenue & Customs website **www.hmrc.gov.uk/employers**

If you have any general enquiries about SSP, phone the HM Revenue & Customs call centre

- for new employers (less than 3 years), call **0845 60 70 143**.
Lines are open Monday to Friday 8am to 8pm and Saturday and Sunday 8am to 5pm
- for people who have been employers for more than 3 years, call **08457 143 143**.
Lines open Monday to Friday 8am to 8pm and Saturday and Sunday 8am to 5pm
- for employers who have hearing or speech difficulties using a textphone, call **08456 021 380**.

Part B Why you cannot get Statutory Sick Pay

I am filling in this form because

I cannot pay you SSP

I cannot pay you SSP after

I have ticked a box to tell you why you cannot get SSP.
Notes on **pages 6** and **7** explain the reasons in more detail.

I cannot pay you SSP because

A You claimed Incapacity Benefit or Severe Disablement Allowance during the last 8 weeks, or you are entitled to the 104 week benefit protection so you may be able to get Incapacity Benefit or Severe Disablement Allowance instead of SSP.

B Your contract of employment has expired.

C Your contract of employment has been brought to an end.

D You will soon have been getting SSP for 28 weeks or you have already had SSP for 28 weeks.

E You have not earned enough money to qualify for SSP.

F You are expecting a baby soon or you have just had a baby.

G You have already been sick on and off for 3 years.

H You were away from work because of a trade dispute on the first day you were sick.

I You were in legal custody or you were serving a term of imprisonment when you became sick.
Or you are now in legal custody or sentenced to a term of imprisonment.

J You were working outside the UK on the day you first became sick and I was not liable to pay employer's Class 1 NI contributions on your earnings on that day.

K You have not started working for me yet.

Notes on pages 6 and 7 explain the reasons in more detail

Part C Other information we need

The employee's first day of sickness

To work out this date you will need to check

- your sick records for this employee, and
- any form **SSP1(L)** Leaver's statement of SSP from a previous employer.

If your employee has a form **SSP1(L)** from a previous employer and has been off work sick for 4 days or more within 8 weeks and one day of **date 2** on their **SSP1(L)**, the first day of sickness is **date 1** on form SSP1(L).

If your employee has had 2 or more spells of sickness of 4 days or more in a row which were 8 weeks or less apart, the first day of sickness is the first day they were off work sick at the beginning of these linked spells of sickness.

For all other employees who have been off work sick for 4 days or more in a row, the first day of sickness is the first day they were off work sick.

The first day of sickness or first day of linked spell.

/	/
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About the SSP that has been paid

How many weeks and days of SSP will have been paid to this employee when SSP ends?

weeks	days
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Include all linked spells. Count from the first day you have paid SSP up to and including the date you have written on **page 3** of this form. If you are including any SSP paid by a previous employer, count from **date 1** on their form SSP1(L).

How many qualifying days are there in a week?

days

Count the number of qualifying days in the full week, not just the number of days they can get SSP for. Remember, for most employees qualifying days are the days of the week that they normally work.

Please tick which days of the week the employee normally works?

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

Only fill in the boxes below if the total payment of SSP is made up from several shorter periods of incapacity that link together to form a single Period of Incapacity for Work (PIW).

Please provide the dates of all periods of sick absence that link to the current PIW, starting with first day of sickness. Use a separate sheet of paper if necessary.

From	To	From	To
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Part D Employer's declaration

I declare that the information I have given on this form is correct and complete as far as I know and believe.

I understand that if this employee has been getting SSP, I must continue to pay SSP up to and including the date I have written **on page 3** of this form.

Employer's name			
Employer's Account Office reference number			
Signature			
Date	/	/	
Position in firm			
Phone number	Code	Number	ext
Fax number	Code	Number	
Address			
	Postcode		
Business stamp			

What to do now

Please send this form to your employee with any medical certificates that cover a period you cannot pay SSP for.

Medical certificates are also called sick notes or doctor's statements.

Tick one of the following boxes

I have enclosed Medical Certificates

I have not enclosed Medical Certificates

Notes **Reasons why you cannot get SSP**

- A** You cannot get SSP if you claimed Incapacity Benefit or Severe Disablement Allowance
- during the last 8 weeks, or
 - during the last 104 weeks if you returned to work or training within 1 month of leaving benefit.
-

- B** You cannot normally get SSP after you stop working for your employer if your contract has ended.
-

- C** You cannot normally get SSP after your contract has been ended by your employer. But your employer will have to pay you SSP if they ended your contract of employment solely or mainly to avoid paying SSP.
-

- D** You cannot get SSP after you have had SSP for 28 weeks in a row or for periods of sickness that are 8 weeks or less apart and that add up to 28 weeks. SSP paid by another employer may be counted.
-

- E** You cannot get SSP if your average weekly earnings are less than the Lower Earnings Limit for the 8 weeks before you went sick. All earnings before things like tax are taken off are counted.

Some employers have a special arrangement with HM Revenue & Customs to pay Class 1B NI contributions on some of your earnings. This could mean that your employer could not count all your earnings when working out your average earnings. Ask your employer if any of your earnings were included in such an arrangement and then ask them to recalculate your earnings as if you had been paying Class 1 NI contributions on them.

- F** You cannot get SSP:

- during the 26 weeks you are entitled to Statutory Maternity Pay (SMP) from your employer, or
- during the 26 weeks you are entitled to Maternity Allowance (MA) from the Department for Work and Pensions.

Statutory Maternity Pay (SMP) is money paid by the employer to women who are away from work because they are pregnant.

Maternity Allowance (MA) is a social security benefit you may be able to get if you are pregnant and cannot get SMP.

If you are not entitled to SMP or MA you cannot get SSP for 18 weeks. The 18 week period starts:

- **If you are not already getting SSP** on the earlier of:
 - the Sunday of the week you are away from work because of your pregnancy, on or after the start of the 4th week before the expected week of childbirth, or
 - the Sunday of the week in which the baby is born.
- **If you are getting SSP** on the earlier of:
 - the day after your baby is born, or
 - the day after the day you are first away from work because of your pregnancy if this is after the start of the 4th week before the week you expect your baby.

If your baby is due on or after 1 April 2007, you cannot get SSP

- during the 39 weeks you are entitled to SMP from your employer, or
- during the 39 weeks you are entitled to MA from the Department for Work and Pensions.

Notes **Reasons why you cannot get SSP** – continued

G You cannot get SSP if during the last 3 years

- you have been sick on and off for 4 days or more in a row, and
 - you have never been back at work for more than 8 weeks before going sick again.
-

H You cannot get SSP if you were away from work because of a trade dispute on the first day you were sick unless you had no direct interest in the dispute.

We use *trade dispute* to mean

- a strike
 - a walkout
 - a lockout
 - another dispute about work.
-

I You cannot get SSP if you were

- in legal custody or sentenced to a term of imprisonment on the day you became sick, or
 - SSP will stop if you are now in legal custody or sentenced to a term of imprisonment
-

J You cannot get SSP if are employed outside the United Kingdom (UK) on the day you first became sick unless your employer is liable to pay the employer's share of Class 1 National Insurance contributions for you, or would be if your earnings were high enough.

K You cannot get SSP until you start working for an employer.
