



Statutory Sick Pay after brain injury

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What is Statutory Sick Pay?

If you sustain a brain injury that prevents you from being able to return to your employment for more than three consecutive days, you may be able to receive Statutory Sick Pay (SSP) from your employer. This is a payment that 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 £96.35 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.

Even a seemingly minor knock to the head can cause mild head injury, otherwise known as mild traumatic brain injury or concussion. Common effects of this, such as fatigue, headaches and memory problems can make it difficult to work. It is important to rest as much as possible to aid recovery from a concussion, so it may be necessary to take time off work. More information on this is available in the publication [Mild head injury and concussion](#).

How to claim SSP

If you are feeling unable to work due to a brain injury, you should tell your employer as soon as possible. Your employer may have a deadline for this, otherwise you should tell them within 7 days. You may choose to do this in writing, as it can give you an opportunity to explain how you feel in some detail. Information from other Headway publications (available at www.headway.org.uk/information-library) may help with this.

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 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 ESA if you still cannot return to work.



If your employer considers you to not be eligible, you will be given a reason for this. It may be that your employer and/or doctor feel that you can continue working if adjustments are made to your role or workplace environment. Some suggestions for this are available in the factsheet [Returning to work after brain injury](#). You may 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 may need to provide further information about how your injury has affected your ability to work.

If you are unable to resolve things, 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

After SSP

If you anticipate being off work due to your illness for longer than 28 weeks, you can start to apply for ESA up to three months before SSP ends. You may then start to receive ESA as soon as your SSP ends.

Further detail on applying for ESA is available in the factsheet *Employment and Support Allowance after brain injury*.

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

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