

Statutory sick pay for COVID-19 self-isolators

New legislation (The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2020) has come into force today making it clear that those individuals who self-isolate to prevent infection or contamination with COVID-19 are entitled to SSP.

13 March 2020

Please note: the information contained in this legal update is correct as of the original date of publication

New legislation (The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2020) has come into force today making it clear that those individuals who (a) self-isolate to prevent infection or contamination with COVID-19 in accordance with guidance published by Public Health England, NHS National Services Scotland or Public Health Wales and effective on 12 March 2020 and (b) as a result, are unable to work, are entitled to SSP.

These Regulations are to be kept under review but, in any event, will cease to have effect after 8 months.

Whilst this removes any remaining debate over whether or not this group of individuals was already entitled under the previous SSP regime, unfortunately, this legislation is limited to this one point and does not include the additional government proposals to (a) extend the entitlement to SSP to the first day of absence or (b) (as intimated in the Budget) extend SSP to those who are caring for others in the same household who display COVID-19 symptoms and have been told to self-isolate. Legislation is still awaited in respect of the same.

This gives some welcome clarity for employers and employees alike, particularly with the new guidance being to self-isolate for 7 days with a high temperature or a new continuous cough. However, it is important to note that the entitlement will only apply if the individual is unable to work. Those employees who can work at home during self-isolation (and are physically well enough to do so), will not have an automatic right to SSP.

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