
From: Kelvin.Scorer@lge.gov.uk [mailto:Kelvin.Scorer@lge.gov.uk]
Sent: 06 September 2007 14:46
To: Bronwen Stacey
Subject: RE: Arrangements in the even of pandemic flu

Bronwen,

That is what I call organised.

There is actually no need for medical certificates for the employer to pay SSP at the moment. The key is that they believe that the employee is sick. Obviously medical certificates assist the employer with establishing this, but they are not necessary. SSP can still be paid without them.

The technical bit - Under the Social Security Administration Act 1992 section 14 an employer can require an employee to provide medical evidence of incapacity if it wishes to. The Statutory Sick Pay (Medical Evidence) Regulations 1985 set out the form that this evidence should take - ie the form of the Med3 after 7 days. So that is why it has become accepted practice and is, for example, specifically required in the Green Book sickness scheme. There are obvious advantages for an employer in having an established means of evidencing sick pay even if the process might be disadvantageous to the health service (use of GP resources).

In the circumstances of a flu pandemic, it will probably be legitimate for an employer to take an employee's written statement that they are sick as proof. By the sounds of it there won't be any alternative. But no doubt there will still need to be some assessment as to the genuineness of the employee's statement.

However, we do not know if and when one might strike. The whole issue of medical certification is always seemingly under review and so could change by then anyway. Having said that every time the DoH and GP's attempt to shift the burden of providing Med 3s it always seems to conclude that there is no better workable alternative.

Also in the event of a major flu pandemic there would no doubt be other serious disaster management provisions put in place which could dictate what happens anyway.

Hope that helps.

Regards,

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LGE: pay, pensions and employment solutions

From: Bronwen Stacey [mailto:bstacey@uttlesford.gov.uk]

Sent: 05 September 2007 13:36

To: Kelvin Scorer, LGE ERU

Subject: Arrangements in the even of pandemic flu

Dear Kelvin

I hope that you are well, and have had a good summer?

I should be grateful for your (or if not you, perhaps you could forward it to one of your colleagues, if anyone at EO will take the query) assistance and advice.

I have attached a leaflet which the UDC Emergency Planning Officer has drafted, but which HR has then had some input into, which is intended to give to staff in the event (but not until a declaration by the World Health Organisation) of pandemic flu. The theory is that we are to expect a pandemic in the coming years, as historically they occur cyclically, and huge numbers of people world-wide would be likely to die at that time.

The premise behind the leaflet is based on work being done at national level, and at local PCT etc level, that GPs will not be able to cope with the numbers of people needing attention, in many cases appointments will not be offered, in some cases the GPs themselves may be ill and out of commission, that some people will be too ill to get to see their GP even if the possibility was offered, and that the usual social structure will collapse, and emergency vaccination stations will be set up, etc. (but possibly there will not be sufficient vaccinations for anyone apart from essential workers).

The advice in the leaflet is therefore based on UDC trying to sustain service wherever possible, but being realistic about how we would be able to cope with lots of staff not being in work for reasons of their own sickness, or the need to care for family members, and sick certificates not being able to be issued in the 'normal' way.

However, I am seeking advice on what we would need to do, or what the consequences would be regarding SSP, in the event of staff not being able to get sick certificates, either (or possibly both) when they were ill, or when they were a bit better? Would we have the ability to say "You do not need to go to your GP", or "You can make this declaration instead of producing the usual paperwork"? I'm aware that this draft leaflet as it stands would have many implications for sick pay, national insurance and possible pensions etc, unless we have some more formal acknowledgement from national government on the procedural requirements.

Your thoughts, views and advice would be most welcome.

Many thanks

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