

## New rule changes to the self-certification period

December 2021

On 17 December 2021, temporary changes were made to the existing legislation surrounding statutory sick pay.

The changes mean that the self-certification period for a 'spell of incapacity for work' (i.e., a sickness/illness period) has been extended from 7 days to 28 days.

The changes have been made to allow GPs to focus on and facilitate the COVID-19 booster programme to provide protection against the Omicron variant of Coronavirus.

This change has been codified in the Statutory Sick Pay (Medical Evidence) Regulations 2021.

These Regulations confirm that any person who has a 'spell of incapacity for work' between 17 December 2021 and 26 January 2022 can self-certificate for a period of 28 consecutive days (including weekends and any bank holidays).

As well as any absences which fall into the above period, the Regulations also apply to any workers' incapacity which started prior to 17 December 2021, but which has not lasted for more than 7 days.

This means that if an employee started sick leave before 10 December 2021, the employee must provide evidence that they have been ill for more than 7 days by way of a fit note from their GP. However, if an employee started their sick leave on or after 10 December 2021, they will be able to self-certify for up to 28 days.

Any period of incapacity exceeding 28 days will still need to be supported by a fit note.

It is expected that the rules will revert to the former 7 day self-certification period after 26 January 2022, unless any changes or extensions come into force in the future.

All other rules relating to SSP and self-certification currently remain in place.



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