

**2020 No. 681**

**SOCIAL SECURITY**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) (No. 2) Regulations 2020**

<i>Made</i> - - - -	<i>2nd July 2020</i>
<i>Laid before Parliament</i>	<i>3rd July 2020</i>
<i>Coming into force</i> - -	<i>6th July 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 151(4) and (4A) and 175(3), (4) and (5A) of the Social Security Contributions and Benefits Act 1992(a) and section 40(1) to (3) of the Coronavirus Act 2020(b).

In accordance with section 173(1)(a) of the Social Security Administration Act 1992(c), it appears to the Secretary of State that by reason of the urgency of this matter it is inexpedient to refer the proposals in respect of these Regulations to the Social Security Advisory Committee.

**Citation and commencement**

1. These Regulations may be cited as the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) (No. 2) Regulations 2020 and come into force on 6th July 2020.

**Amendment of the Statutory Sick Pay (General) Regulations 1982**

2.—(1) The Statutory Sick Pay (General) Regulations 1982(d) are amended as follows.

(2) In regulation 2(1) (persons deemed incapable of work)—

- (a) at the end of sub-paragraph (b) omit “or”;
- (b) in sub-paragraph (c)—
  - (i) in head (i), for “the Schedule” substitute “Schedule 1”;
  - (ii) at the end insert “; or”;
- (c) after sub-paragraph (c) insert—

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(a) 1992 c. 4. Sections 151(4A) and 175(5A) were inserted by section 41 of the Coronavirus Act 2020 (c.7). Section 151(4) was amended by section 11(1) of, and paragraph 34 of Schedule 1 to, the Social Security (Incapacity for Work) Act 1994 (c.18) (“the 1994 Act”). Section 175(4) was amended by section 2 of, and paragraph 29 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(b) 2020 c.7.

(c) 1992 c.5.

(d) S.I. 1982/894. Relevant amending instruments are S.I. 2020/287, 304, 374, 427 and 539.

- “(d) he is—
- (i) shielding himself in such a manner as to prevent infection or contamination with coronavirus in accordance with Schedule 2; and
  - (ii) by reason of that shielding is unable to work.”.
- (3) In regulation 2(4), after “paragraph (1)(c)” insert “and (d) and Schedules 1 and 2”.
- (4) The Schedule (isolation due to coronavirus) is renumbered Schedule 1.
- (5) The renumbered Schedule 1 is amended in accordance with paragraphs (6) to (10).
- (6) At the end of paragraphs 2 and 4 insert “or, if earlier, until the end of the isolation period”.
- (7) In paragraph 3—
- (a) after “someone” insert “, or is in an extended household or a linked household with someone,”;
  - (b) at the end insert “or, if earlier, until the end of the isolation period”.
- (8) Omit paragraph 5A.
- (9) In paragraph 6—
- (a) insert in the appropriate places—
    - ““extended household”—
    - (a) in relation to households in Scotland, has the meaning given in regulation 10 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020(a);
    - (b) in relation to households in Wales, means two households in relation to which the adults in those households have agreed to be treated as a single household in accordance with public health guidance;”;

““isolation period” means the period ending on the day on which a relevant notification is received advising that the person with the symptoms of coronavirus is not in fact infected or contaminated with coronavirus;”;

““linked household” in relation to households in England, has the meaning given in regulation 7A of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020(b);”;
  - (b) for ““public health guidance”” substitute ““public health guidance””.
- (10) After the renumbered Schedule 1, the Schedule to these Regulations is inserted as Schedule 2.

**Amendment of the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020**

**3.** In regulation 2 of the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020(c) (suspension of waiting days), in both paragraphs (3)(b)(ii) and (4), after “regulation 2(1)(c)” insert “or (d)”.

Signed by authority of the Secretary of State for Work and Pensions

*Justin Tomlinson*  
Minister of State  
Department for Work and Pensions

2nd July 2020

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(a) S.S.I. 2020/103 as amended by S.S.I. 2020/182.  
 (b) S.I. 2020/350 as amended by S.I. 2020/447, 500, 558 and 588.  
 (c) S.I. 2020/374.

## SCHEDULE

Regulation 2(10)

### INSERTION OF SCHEDULE 2

#### “SCHEDULE 2

Regulation 2(1)

#### SHIELDING DUE TO CORONAVIRUS

1. A person is, for the purposes of this Schedule, to be regarded as shielding himself where he is shielding himself in such a manner as to prevent infection or contamination with coronavirus pursuant to paragraph 2.

2. The person—

- (a) is defined in public health guidance because of an underlying health condition—
  - (i) in England and Wales, as clinically extremely vulnerable and therefore at very high risk of severe illness from coronavirus;
  - (ii) in Scotland, as at the highest risk of severe illness from coronavirus; and
- (b) has been advised by a shielding notification sent to, or in respect of, that person in accordance with that guidance, to follow shielding measures for the period specified in the notification.

3. A person to whom paragraph 2 applies is no longer to be regarded as shielding himself—

- (a) immediately after the end of the period specified in the shielding notification;
- (b) from the date specified in a further shielding notification sent to, or in respect of, the person, advising him that he need no longer shield himself from that date.

4. Nothing in paragraph 3 prevents the person from again being regarded as shielding himself if a further shielding notification is sent to, or in respect of, the person advising the person that he needs to shield himself for the period specified in the notification.

5. For the purposes of this Schedule—

“Chief Medical Officer” and “public health guidance” have the same meanings as in paragraph 6 of Schedule 1;

“shielding notification” means a notification in writing sent to, or in respect of, a person by any person or body who may send a relevant notification by virtue of paragraph 6 of Schedule 1 or by—

- (a) the Chief Medical Officer;
- (b) the Scottish Ministers; or
- (c) the Welsh Ministers.”

#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 of these Regulations amends the Statutory Sick Pay (General) Regulations 1982 (S.I. 1982/894).

The amendments in paragraphs (2), (3), (5), (7)(a) and (10) and the Schedule ensure that persons who are shielding themselves from other people in such a manner as to prevent infection or contamination with coronavirus will continue to be deemed to be incapable of work for the purpose of entitlement to statutory sick pay.

The amendments in paragraphs (6), (7)(b) and (9)(a) ensure that persons deemed to be incapable of work because they or another person have the symptoms of coronavirus will remain entitled to statutory sick pay until the person with those symptoms receives notification that they have tested negative for coronavirus.

The amendments in paragraphs (7)(a) and (9)(a) ensure that a person will be entitled to statutory sick pay if a member of a linked household (in England and Wales) or of their extended household (in Scotland) has the symptoms of coronavirus.

The amendment in paragraph (9)(b) corrects a typographical error.

Regulation 3 of these Regulations amends the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020 (S.I. 2020/374) to ensure that those deemed incapable of work by virtue of the amendments made by regulation 2 of these Regulations do not have to serve waiting days for entitlement for statutory sick pay.

No regulatory impact assessment has been produced for these Regulations in view of the urgency required to provide additional financial support to those unable to work as a result of coronavirus.

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