

Benefits: Sickness and incapacity benefit no. 16

This leaflet tells you about the benefits which may be available if you are unable to work because of sickness or injury. It includes information on how to claim and frequently asked questions.



States of Guernsey
Social Security

If, after reading this leaflet, you still have unanswered questions, please contact us on **732507**.

This leaflet should be read with Leaflet 50 which contains all the current benefit payments and contribution rates, available from **www.gov.gg/sicknessandinjury**

This leaflet is for guidance and must not be treated as a complete and authoritative statement of the law.

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General

What is sickness benefit?

Sickness benefit is a weekly benefit paid if you're unable to work due to illness or injury. To get sickness benefit you must be unable to work for at least 4 days and meet certain contribution conditions.

What is incapacity benefit?

If you've been paid sickness benefit and are still unable to work after 6 months, you may get incapacity benefit. Incapacity benefit is a weekly benefit paid instead of sickness benefit. As with sickness benefit, there are certain contribution conditions that you must meet before incapacity benefit can be paid.

What does incapable of work mean?

You can only be treated as incapable of work if there is no work that you can be reasonably expected to do.

If you can't do physical work but you can do work of a supervisory or managerial nature, you may not be entitled to sickness or incapacity benefit.

How much benefit will I receive?

This depends on the number of contributions you have paid in the relevant contribution year. The current rates of benefit are set out in Leaflet 50. This leaflet can be found on the website www.gov.gg/sicknessandinjury

What are the contribution conditions?

There are two contribution conditions that you must meet before you can claim sickness or incapacity benefit. These are detailed below:-

1. You must have paid at least 26 contributions as an employed or self-employed person at any time in your working life; and
2. You must have paid or had credited at least 26 contributions, as an employed or self-employed person, in the relevant contribution year.

If you don't satisfy the contribution conditions, you should still make a claim. This is because we may be able to award credits to your contribution record while you are unable to work. If you have any questions about what to do, please call the helpline on **732507**.

What is the relevant contribution year?

The amount of sickness or incapacity benefit payable is based on the number of contributions you have in the relevant contribution year. From the 1st July we always start using a different contribution year.

This means that if you're claiming sickness or incapacity benefit between January and June, we will be looking at the contributions you made 2 years earlier. If you're claiming benefit between July and December we will be using the contributions you made one year before.

Claiming

How do I claim sickness benefit?

If your doctor thinks you are unable to work they will give you two copies of the medical certificate (one pink, one green). The pink copy is for you to complete and return to us. The green copy is for your employer.

You should complete the back of the medical certificate and send it to Social Security straightaway - this is your claim for sickness benefit. If your claim is received late you may lose some or all of the benefit.

How do I claim incapacity benefit?

You don't have to make a separate claim for incapacity benefit. After you have received sickness benefit for 6 months, we will contact you to let you know if you are entitled to incapacity benefit.

Who can say I'm unable to work?

Generally speaking, only a doctor, dentist, physiotherapist, osteopath or chiropractor can say that you are incapable of work. They can do this by completing a medical certificate.

What does my medical certificate mean?

During the medical consultation, your doctor will be thinking about how your illness or injury affects you and what you may still be able to do workwise. Your doctor will ask questions

about your job and workplace and may use the medical certificate to provide advice about returning to work.

Your certificate may say you can return to work earlier, if your employer makes certain workplace adjustments. For example, by providing some special equipment or allowing you to work different hours or do different duties. If this is the case, you should talk to your employer about this and what they can do to support your return. Your doctor may also recommend a visit to Occupational Health to get more advice about what changes or workplace adjustments could help you to return to work.

Your employer should talk with you about the doctor's advice and using what they know about the job you do, will decide whether the adjustment is reasonable. If your doctor provides any advice on the medical certificate we will also write to your employer to see if they can support the recommendations.

How will my benefit be paid?

Sickness and incapacity benefit are paid weekly in arrears. But as benefit is calculated on a daily basis it means you will receive benefit for each day you are unable to work because of your incapacity.

Sickness benefit is normally paid by a weekly voucher, but can easily be paid into your bank account if you'd prefer. Please call the helpline on **732507** to discuss.

Please note, that if the voucher isn't cashed within 12 months it will expire and can't be replaced.

Incapacity benefit is paid directly into your bank account. This will be arranged with you at the appropriate time.

How long will sickness or incapacity benefit be payable for?

This depends on:-

- A. your age
- B. your medical condition (whether you're still incapable of all work); and
- C. whether you still meet the contribution conditions.

Neither sickness nor incapacity benefit can be paid if you're entitled to or receiving old age pension, carer's allowance, unemployment benefit or parental benefits.

How often must I send in a medical certificate?

You should send in your medical certificate as soon as you get it. If you have an ongoing claim, it's important that you know when your medical certificate is due to expire. This will avoid any delay in receiving your benefit.

Certificates should be sent to us straightaway, as benefit may be lost if you do not make your claim or submit a new certificate on time.

How are claims monitored?

Most illnesses or injuries only last for a short time. But sometimes there may be very good reasons why someone takes a bit longer to recover.

We need to review all claims to benefit on a regular basis to ensure benefit is paid correctly. From time to time we will contact you to obtain updates on your condition, how it affects you and if there is anything your employer can do which may help you get back to work. Depending on your situation we may contact you by phone, ask you to come into the office, send a review form to you in the post or ask you to attend a Work Capability Assessment.

Social Security's Medical Adviser may also discuss the medical aspects of your claim with your treating doctor. Consent for this is included on each medical certificate you sign.

What is the Work Capability Assessment?

The Work Capability Assessment provides us with an independent opinion about how a person's illness affects their ability to work. The assessment is carried out by doctors who have been approved by the Committee *for* Employment & Social Security.

The doctors doing the assessment will undertake a medical examination and will ask a series of questions before sending us their findings. This will help us decide if you are claiming the right benefit or if there is anything we can do to help you get back to work.

A copy of this assessment is also sent to your treating practitioner.

Will I be asked to attend a Work Capability Assessment?

This depends on your medical condition and the length of your claim.

It is normal to be asked to attend a Work Capability Assessment if your claim is ongoing or you are still claiming sickness benefit after 5 months. If you're asked to attend a Work Capability Assessment we will write to you to confirm the details.

What happens after a Work Capability Assessment has taken place?

After the examination has taken place the completed report will be sent to us. We will consider the findings and may get in contact with you to discuss your claim.

A copy of the Work Capability Assessment will be sent to your own doctor.

How will my claim be decided?

In law, the Administrator of Social Security is responsible for deciding claims. You will be told of the decision in writing.

If you are not satisfied with the Administrator's decision, you may appeal to an independent Tribunal within 28 days. The Tribunal consists of an independent chairman and two other members.

Returning to work

Can I return to work earlier than my certificate?

Yes. You don't have to be 100% better before you go back to work. Neither do you have to wait for the end of the medical certificate. In fact, an earlier return to work can sometimes help people recover from a health problem.

In many jobs / occupations there is no need to be signed back to work by a doctor first. As long as your employer has done a risk assessment their Compulsory Liability Insurance should cover an earlier return to work. But your employer will need to be sure that you can carry out your duties safely.

If you can go back to work before your medical certificate expires, you should contact us straightaway to let us know. Please call the helpline number **732507**.

Is there any help to get me back to work?

We know that being away from the workplace for a long-time can make it much harder to return. Back to work benefits are aimed at helping people return to work after an illness or injury. They include things like training and options for returning to work gradually. If you are no longer able to return to your previous job or perhaps you need 1-2-1 support, our work rehabilitation team may be able to support you.

To find out how we can help you back to work, call the helpline on **732507**.

What if I'm self-employed?

As you need to be incapable of all work to claim sickness or incapacity benefit, you must not carry out any work without checking with us first.

This doesn't just mean the 'hands on' part of self-employment, it also includes activities such as managing or supervising, pricing a job, dealing with correspondence and attending meetings.

You must contact us if you are capable of work or intend to do any of these things. The helpline number is **732507**.

Other Information

What happens about my contributions while I am unable to work?

If you're employed

If you're employed and continue to receive wages, you will still be liable to pay contributions in the normal way. Your employer will adjust the amount of social insurance contributions you need to make, to take into account any sickness or incapacity benefit you receive.

If you're employed but don't receive wages, you will receive a credit for any contribution week during which you are incapable of work for 4 days or more. This is done to protect your contribution record while you are unable to work.

If you're self-employed

If you're self-employed, you won't be liable for a contribution if you are incapable of work for 4 days or more. Anyone receiving a contribution credit should delete the relevant week shown on the contribution card and reduce their quarterly payment accordingly.

What happens if I work but don't inform you?

If you're claiming sickness or incapacity benefit and you carry out any work, without our prior agreement, you are committing an offence.

If you're in any doubt about what is meant by work, please seek advice from the Incapacity Benefits team. The helpline number is **732507**.

What happens if I leave the Island?

Sickness benefit is not normally payable if you leave the Island for any period of time. But, this depends on why you are leaving and for how long.

If you intend to leave the Island for any reason you should call the helpline on **732507** to discuss your claim.

What happens if I've just returned to the Island and I'm incapable of work?

Not everyone who has just returned to the Island and is incapable of work will be entitled to sickness or incapacity benefit.

But if you have paid contributions to some other countries, they may be used to help your claim. To discuss your situation please call the helpline on **732507**.

What if I am unwell but have just left full-time education?

If you have worked and paid contributions during your time in full-time education or straight after you leave, you may be entitled to claim sickness benefit. This will depend on your circumstances and the number of contributions you have made.

To find out more you should call the helpline on **732507**.

What if I change my bank account?

If you want your benefit paid into a different account you will need to write into us with the new details.

We cannot make any bank changes without your signature.

What if I don't have enough money to live on?

If you are having difficulty managing on your income, you may be able to get help from supplementary benefit. Supplementary benefit is a means-tested benefit. To find out more please call the Supplementary Benefit helpline on **732508**.

For further information

If you are unsure of the meaning of any particular point in this leaflet, please contact Social Security, or the Alderney States Office, where staff will be pleased to help you, and from where copies of other leaflets may be obtained.

More information is also available on the States website here: www.gov.gg/sicknessandinjury.

If you are a parent or carer of a child with a disability or a disabled adult and would like information about support, services and activities in Guernsey you may find this website useful: www.signpost.gg

If you are writing to Social Security, please quote your social insurance number, if known.

What to do if you have a complaint

If you are dissatisfied with any aspect of our services please let a member of staff know at the time so that we can try to resolve the issue immediately. If you wish to make a formal complaint to Social Security, please contact us for a complaints leaflet and return the completed complaints form to **Social Security, Edward T. Wheadon House, Le Truchot, St Peter Port, GY1 3WH.**

You can also request more information by email and return your complaint form to **socialsecuritycomplaints@gov.gg** or send your complaint or a compliment to us online at the States website, by visiting **www.gov.gg/ccs** and completing the electronic form.



How we collect and use information

Social Security processes personal information for social security purposes in order to carry out functions relating to the relevant social security and associated legislation that it administers. The information collected will depend on your business with us, but will be no more than is required for that purpose. We may get information about you from others for any of our purposes if the law allows us to do so. We may also share information with certain other organisations if the law allows us to. Any personal information you give to us will be processed in accordance with the Data Protection (Bailiwick of Guernsey) Law, 2001. If you wish to know more about the information we have about you, or about the way we use it, you can ask at the Office of the Committee for Employment & Social Security or by emailing **employmentandsocialsecurity@gov.gg**

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