



THE  
**CREATIVE  
LEARNING**  
PARTNERSHIP TRUST

# OCCUPATIONAL SICK PAY

**Approved by:** Chair of Trustees  
Chief Executive Officer

**Date:** Spring Term 2024

**Next review due  
by:** Spring Term 2027

## Occupational Sick Pay

For the purpose of calculating a teacher's entitlement to occupational sick pay during a year, a year is deemed to begin on 1st April and end on 31st March of the following year. The payment of occupational sick pay for all other school based employees is a 12 month rolling programme from the first day of sickness. The entitlement to occupational sick pay is calculated according to the employee's length of service and the number of sickness absence days they have already incurred in the year prior to the current period of sickness (except where the absence is due to an industrial injury – refer to Head of Business and Operations/Chief Finance Officer). In order for these periods to be taken into account, the Manager needs to have received appropriate certification. The current occupational sick payments are:-

<b>Years Service</b>	<b>Teaching - JNC Burgundy Book</b>	<b>Non Teaching: NJC - Green Book, Craft workers – Red Book, Soulbury – Blue Book, Youth Workers – Pink Book</b>
During first year	25 working days full and after four calendar months 50 working days half pay	One month full and after four months two months half pay
Second year	50 working days full and 50 working days half pay	Two months full full/two months half pay
Third year	75 working days full and 75 working days half pay	Four months full/Four months half pay
Fourth and Fifth year	100 working days full pay and 100 working days half pay	Five months full/ five months half pay
Sixth year onwards		Six months full/six months half pay

**NB.** For Teachers “working days” means teaching and non-teaching days within “directed time” as specified in the School Teachers’ Pay and Conditions Document 2019.

The facility to extend sick pay can be considered only in one of the 4 conditions described below:

- i). Where current medical advice suggests that a return to work is imminent (i.e. within a matter of days), in which case sick pay may be extended subject to regular review.
- ii). Where alternative work is at an advanced stage of being arranged and there is a reasonable expectation of a return to work in the next few days, in which case sick pay may be extended subject to regular review.
- iii). Where the a Occupational Health Unit provides formal notice that an employee is terminally ill, in which case the Chief Executive Officer will recommend, if it is felt to be helpful, to extend for the full period at the outset (subject to length of service etc) i.e.
  - **20 plus years service = 100% of normal full pay entitlement**
  - **15-20 years service = 75%**
  - **10-15 years service = 50%**
- iv). Where the governing body makes a decision to extend sick pay.

### **Accidents Involving a Third Party**

Employees are entitled to receive sick pay (in accordance with their usual terms and conditions of employment) where a period of sickness absence occurs following an accident. However, in circumstances where the accident involves a third party the employee is required to complete an [indemnity form](#). If the employee is successful in a claim for damages against the third party, this form will enable the Trust to recover their incurred costs, i.e. any sickness absence payments made.

The employee is responsible for completing an indemnity form, but managers are asked to remind the employee of this requirement where such circumstances become apparent.

The Head of Business and Operations/Chief Finance Officer should be consulted regarding recovery of sick pay.

# Legislation Framework

**The Equality Act 2010:** protects employees from unfavourable treatment related to a disability. Where there is a disability the employer will be under a duty to make reasonable adjustments to the employee's working arrangements in order to help reduce the disadvantage which the employee would otherwise experience.

**Health and Safety at Work Act (HSWA) 1974:** This describes the employer's responsibility under the Health and Safety at Work Act to protect employees in the workplace where they have become more vulnerable to risk because of illness, injury or disability.

**Employment Rights Act 1996:** Sets out the principles and procedures that employers should follow before considering dismissing employees on grounds of capability.

**Employment Relations Act 1999:** Rights to accompaniment by a companion.

**Data Protection Act 1998:** The safekeeping of sickness absence data and sensitive medical information

**Social Security and Statutory Sick Pay (Amendment) Regulations 2010:** These set out the current allowances payable under the statutory sick pay scheme, including the new Fit Note.