



End of Life Policy

(2026-28)

This policy supersedes all other ***End of Life*** policies

Approved by: Staffing Committee
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1. Introduction

- 1.1. This policy applies to employees who have entered the end phase of life — for the purposes of this policy, a life expectancy of 12 months or less — who hold a permanent or fixed-term contract of employment with the Trust, and who wish to continue in employment.
(The 12-month threshold aligns with the Department for Work and Pensions' Special Rules for terminal illness, which apply to Personal Independence Payment, Universal Credit and Employment and Support Allowance.)
- 1.2. The Trust understands that this phase of life calls for support and understanding, rather than additional or avoidable employment-related stress and worry.
- 1.3. This policy aims to ensure that employees know they will be supported following a terminal diagnosis. The Trust will:
 - provide employees with peace of mind that they have the right to choose the best course of action for themselves and their families, helping them through this challenging period with dignity and without undue financial loss
 - recognise that safe and reasonable work can help maintain dignity and can be therapeutic
 - support employees with security of work, to ensure they have adequate employment protection and that any death-in-service benefits (subject to membership of the relevant pension scheme) are protected for the loved ones they leave behind
 - support the headteacher, line manager and colleagues of an employee in the end phase of life
- 1.4. This policy applies to all employees of Fioretti Trust, across all member schools.

2. Legal framework

- 2.1. This policy has been developed with regard to the following legislation and statutory guidance:
 - Equality Act 2010
 - Employment Rights Act 1996 (as amended by the Employment Rights Act 2025)
 - Employment Rights Act 2025 — Statutory Sick Pay reforms, in force from 6 April 2026
 - Carer's Leave Act 2023 and the Carer's Leave Regulations 2024, in force from 6 April 2024
 - Social Security Contributions and Benefits Act 1992 — DWP Special Rules for terminal illness
 - ACAS guidance: Disabilities that get worse over time
 - TUC Dying to Work Charter (voluntary employer commitment — see Section 9)

This policy will be updated to reflect the Employment Rights Act 2025 changes to unfair dismissal protection once these come into force (expected 1 January 2027) — see Section 11.

3. Employees with a terminal illness

- 3.1. As part of the Trust's commitment to making a positive difference in employees' lives, the Trust encourages its schools to consider the TUC's Dying to Work Charter (see Section 9), which calls on employers to provide support and understanding to employees with a terminal illness.
- 3.2. This policy provides reassurance to employees with a life expectancy of 12 months or less, with a permanent or fixed-term contract of employment, that their job is protected should they wish to continue to work.



- 3.3. A person with a terminal illness is very likely to meet the definition of disability under the Equality Act 2010, and will typically be protected as disabled from the point of diagnosis — regardless of whether their day-to-day activities are currently affected. This means the Trust has a legal duty to consider reasonable adjustments to support the employee to remain in work for as long as they wish to do so.
- 3.4. Schools should consider on a case-by-case basis whether to apply this policy to an employee diagnosed with a terminal illness whose life expectancy exceeds 12 months (see also Section 7, 'If the employee goes into remission').
- 3.5. This policy does not cover employees providing care and support to a terminally ill family member, dependant, or someone with whom they are in a long-term relationship. See Section 4 for the support available to these employees.

4. Support for employees caring for a terminally ill family member

- 4.1. Employees caring for a family member, dependant, or someone with whom they are in a long-term relationship, who has a terminal illness, may wish to consider the Trust's Flexible Working Policy and special leave of absence provisions.
- 4.2. In addition, eligible employees have a statutory right under the Carer's Leave Act 2023 to take up to one week's unpaid leave per year to provide or arrange care for a dependant with a long-term care need, including a terminal illness. This is a day-one right, available from the first day of employment, and can be taken flexibly in individual or half days.

5. An employee informs the school that they are terminally ill

- 5.1. Employees do not legally have to tell their employer that they are terminally ill; when they do disclose this information they should be treated with compassion and respect.
- 5.2. It should not be assumed that an employee will want to stop working, as this is not always the case. Work can offer stimulation, dignity and normality, as well as financial security.
- 5.3. If an employee wants to continue working, they should be supported to do so for as long as they wish to remain an employee, if they hold a permanent contract, or until the expiry of their contract if they are fixed term.
- 5.4. Once an employee tells the school that they think this policy applies to them, their headteacher or line manager will need to arrange a meeting with them. Where the employee would prefer to meet with someone other than their headteacher or line manager, this should be accommodated as far as practicable. The employee may be accompanied in the meeting by a trade union representative or a work colleague, where they feel such support would be beneficial.

6. Meeting the employee

- 6.1. In the meeting with the employee, the headteacher or line manager should:
 - ask the employee who in the school they would like to tell about their condition and how they would like it communicated
 - if the employee does not wish to tell colleagues, their privacy must be respected and their condition kept confidential
 - if the employee wishes to tell colleagues, they may ask the headteacher, line manager,



or someone else, to help with this

- help the employee to look at the choices available to them, or arrange for someone else to do this, if this is the employee's preference
- the employee should provide documentation (a letter from their consultant or GP) confirming their diagnosis and life expectancy, the content of which should be explored in the meeting; if the documentation is not available at the first meeting, a second meeting should be arranged to go through it
- discuss any reasonable adjustments the employee may require to facilitate their continued attendance at work (see risk assessment); where both parties agree it would be beneficial, a referral to the school's Occupational Health Adviser may assist by making recommendations
- advise the employee to contact their pension provider to get advice about their options, if they are a member
- sign-post the employee to additional support and sources of information, such as the school's occupational health provider or Employee Assistance Programme, where available
- agree a revised approach to managing attendance with the employee:
 - the school will not apply its normal policy or procedure when managing cases of absence under this policy
 - contact will be maintained and fit notes followed as normal when the employee is absent, but there will be no use of Managing Attendance procedures
 - an employee may wish to remain in employment after exhausting their entitlement to sick pay; this will be accommodated for permanent employees, and until the expiry date of the contract for fixed-term employees, and is particularly important for pension scheme members, as their nominee will be eligible for a death-in-service payment if they die in service
- advise that, if the employee identifies that they would wish to pursue ill-health retirement, the school will ask its Occupational Health provider to prioritise their case, ensuring they are dealt with as promptly and sensitively as practicable
- for teachers where life expectancy is less than 12 months, their ill-health pension can be fully converted to a lump sum payment, but they must ask for this when they apply for ill-health benefits, because a pension cannot be converted to a lump sum once it has come into payment
- talk about sick pay:
 - terminally ill employees are entitled to Statutory Sick Pay (SSP) from the first day of sickness absence, regardless of their earnings. From 6 April 2026, the previous three-day waiting period and the lower earnings limit were both removed, so SSP is now a day-one right for all employees
 - employees may also be entitled to occupational sick pay under the Trust's terms and conditions, and to additional government benefits — they can check this on gov.uk, or by contacting the Employee Assistance Programme, where appropriate, or their trade union (if a member)
- undertake a risk assessment where appropriate, and consider and agree any reasonable adjustments which might be made to assist the employee to continue working; it may be appropriate to consider adjustments using the Trust's flexible working policies. Reasonable adjustments can encompass not only physical workspace changes but changes in roles, hours of work, and workload
- if the employee cannot maintain consistent attendance at work, or it is not sustainable for the school for the employee to attend the workplace on a regular basis, it may be appropriate for the employee to work from home wherever practical, in line with the Trust's duty to make reasonable adjustments
- advise that the employee will be given time to attend medical and other appointments related to managing their condition, such as counselling, mindfulness, and employee support groups.



As much notice as possible should be given by the employee, and evidence of appointments should be provided at the point of request

- advise that regular contact will take place between the headteacher or line manager and the employee, and that the employee's situation will be regularly reviewed to ensure appropriate support is in place and their welfare is being considered. The timing of contact and any reviews should be jointly agreed at the meeting, including how contact will be maintained if the employee is not fit enough to attend work

- 6.2. Cases need to be considered on an individual basis. If further guidance is needed, the Trust's HR team should be contacted in the first instance.

7. If the employee goes into remission

- 7.1. For the purposes of this policy, remission is defined as where an employee's prognosis improves to a position where they are no longer looking at a life expectancy of 12 months or less.
- 7.2. If the employee goes into remission, they should advise their headteacher or line manager as soon as possible.
- 7.3. The headteacher or line manager should arrange a review meeting with the employee. The purpose of the review is to consider:
- if the End of Life Policy still applies to the employee
 - if any further support or assistance, including reasonable adjustments, is required
 - if it is appropriate for the employee to return to normal working arrangements and/or workload, if this has been adjusted
 - if a referral to occupational health would be beneficial, particularly when considering whether further support or assistance is needed, and where a decision needs to be made on the continuation of any adjustments previously put in place

8. Support for the headteacher, line manager and colleagues

- 8.1. The headteacher or line manager can obtain support from their Occupational Health provider, the Trust's HR team, and the Employee Assistance Programme, where appropriate.
- 8.2. The headteacher or line manager is also responsible for ensuring colleagues are aware that support is available to them via the Employee Assistance Programme, where appropriate.
- 8.3. The NHS is a useful source of information and support for the end phase of life (www.nhs.uk).

9. Dying to Work Charter

- 9.1. The TUC's Dying to Work Charter invites employers to make a public commitment not to dismiss an employee because of a terminal diagnosis, and to review sick pay and sickness absence procedures accordingly.
- 9.2. Signing the Charter is voluntary and is not itself a legal requirement. As part of approving this policy, the Trust Board may wish to consider whether Fioretti Trust should formally sign the Charter, as a public statement of its commitment to supporting terminally ill staff.

10. Making the policy known

- 10.1. All employees must be made aware of this policy.



11. Monitoring and review

- 11.1. The operation of this policy will be reviewed in consultation with the recognised trade unions, in line with the review cycle set out on the cover of this policy, or sooner if there is a change in relevant legislation or statutory guidance.
- 11.2. This policy will be reviewed again to reflect the Employment Rights Act 2025 changes to unfair dismissal protection (reduction of the qualifying period from two years to six months, and removal of the compensation cap), due to come into force on 1 January 2027.

