

HR & OD POLICIES

human resources and organisational development



Disability Leave Scheme Procedure

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1. INTRODUCTION

Aberdeenshire Council recognises the implications of and its responsibilities under the Equality Act 2010.

This scheme enhances the support and assistance available to disabled employees.

This document sets out what disability leave is, when it is available and the procedure for applying for it.

Any employee who considers that the following procedure has been unfairly or incorrectly applied should contact askHR.

Abuse of the disability leave scheme will be dealt with in accordance with the [Councils Disciplinary Policy](#).

The impact and progress of the disability leave scheme will be reviewed in order to assess its effectiveness from both a personal and organisational perspective.

2. WHAT IS DISABILITY LEAVE

Disability Leave is paid time off work which may be granted where an employee is absent as a result of their disability, but for reasons other than sickness. As a guideline it is recommended that up to ten days disability leave per leave year be granted, however, it may be appropriate to increase this dependant on individual circumstances. In such cases advice should be sought from HR Service.

The effect of an impairment depends on the individual and their circumstances. To accommodate this requires some flexibility, therefore disability leave may be taken on a planned and unplanned basis and taken in different ways – once a week, a block of time or perhaps as periods of part time working.

Disability leave is distinct from sick leave and should not be counted for attendance management purposes.

3. ELIGIBILITY

All employees who are disabled under the definition in the Equality Act 2010 are entitled to disability leave. There is no qualifying period for any employee wanting to be considered for disability leave.

Disability is defined in the Act as follows: a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse affect on their ability to carry out normal day to day activities. The effect must be substantial (that is, more than trivial or minor), adverse, and long term (that is lasting or likely to last for more than 12 months, or for the rest of the life of the person concerned).

The definition is much wider than many expect, including impairments such as:

- Mental health conditions
- Learning difficulties e.g. Dyslexia, Dyspraxia
- Significant mobility difficulties
- Respiratory conditions e.g. asthma Cardiovascular diseases e.g. heart disease
- Multiple Sclerosis, Epilepsy
- Cancer, HIV
- Hearing or sight impairments.

Individuals with cancer, multiple sclerosis or HIV/AIDS are covered from the date of diagnosis regardless of the impact that the illness is having on their lives at the time of diagnosis.

To be covered under the Act a mental illness does not have to be clinically well recognised. The emphasis is on the impact of the symptoms rather than the label that has been attached to them.

In order to be considered for disability leave employees must declare to the Council that they are disabled.

[See Me](#) information available from website.

4. PROCEDURE

When an employee declares that they are disabled and wishes to be considered for disability leave they will be referred to the [Council's Occupational Health Provider](#) for advice and guidance regarding appropriate adjustments that might be made to the workplace and/or job.

Upon receipt of the outcome report from Occupational Health the line manager will arrange to meet with the employee to discuss the content of the report and what disability leave is appropriate.

To assist in determining what leave and/or reasonable adjustments are required it may be appropriate to seek further advice and involvement from:

- Council's Occupational Health Advisor
- Legal & People - HR
- Disability Employment Advisor at the job centre
- Employee's GP/Specialist.

The employee may be accompanied to the meeting by a trade union representative or work colleague should they so wish. Where disability leave is considered appropriate, the employee and line manager should discuss the need for planned leave and the likelihood of unplanned leave.

Planned leave

Planned disability leave will be agreed in advance between the employee and line manager. Such planned leave may for example be a number of days over each year or a block of time that a disabled employee needs to take off for treatment or assessment related to their disability.

Planned leave may include paid time off for:

- Counselling/therapeutic treatment
- Recuperation and rehabilitation following an operation/treatment
- Planning and implementation of adjustments to the workplace/job
- A phased return to work or period of time off work for a newly disabled employee.

Agreement must be reached between the line manager and employee with regards the number of days planned leave required, if any.

Where disability leave is agreed, it will be reviewed on an annual basis to assist in planning. These reviews will be supportive and confidential. Employees may be accompanied to the meeting by a trade union representative or work colleague should they so wish.

Employees whose impairment or circumstances change throughout the year may request a meeting to review their planned disability leave (or other reasonable adjustments) at any time.

Unplanned leave

The line manager and employee should also discuss the likelihood of any unplanned leave, taking into consideration previous disability related absences and any improvement or deterioration (actual or anticipated) in the employee's condition. It may be possible to identify reasonable adjustments, which would counteract the need for unplanned disability leave.

Unplanned leave may include circumstances such as:

- Unfavourable weather conditions (e.g. ice and snow, pollution)
- Breakdown of usual arrangements at work (e.g. malfunction of aid/adaptation)
- Breakdown of usual arrangements which make it difficult to get to work (e.g. care breakdown and in the absence of an accessible alternative)

Where unplanned disability leave is required employees must notify their line manager. Contact should be made with the line manager by 10am (or no later than 1 hour from the normal start time, whichever is the earlier). They should provide the reason for the absence and indicate, where possible, when they expect to return.

Reasonable adjustments should be made wherever possible to counteract the need or disability leave, for example it may be necessary for an asthma sufferer to have disability leave in the summer when pollen levels may be high. However, it may also be possible in many cases to make arrangements for the employee to work from home on these days or work on other days thereby reducing the need for such leave. Flexibility, co-operation and a reasonable approach are key.

For all instances of disability leave the employee must complete a special leave form on their return to record their absence accordingly.

The [Tailored Adjustment Agreement](#) can be used to record reasonable adjustments agreed between an employee with disabilities and their line manager

For further advice and guidance on any of the above please contact [askHR](#).

Disability Leave Scheme

Index of Documents

Procedure

Revision Date	Previous Revision Date	Summary of Changes
31-03-2009	-	Creation of all Documents
28-10-2010	31-03-2009	Disability Discrimination Act 1995 replaced with Equalities Act 2010
25-06-2015	28-10-2010	Format update
02-09-2022	25-06-2015	Updated terms