

Disability Leave - FAQs

Q1. What is Disability Leave?

It is paid special leave agreed in advance for **planned absences** from work. Planned absences are when arrangements, directly related to your disability prevent you from attending work.

Disability Leave is for absence other than sickness which is covered by the Maximising Attendance policy and guidance.

Q2. How do I know I qualify for Disability Leave?

It is only applicable to employees who are regarded as having a disability where they *“have a physical or mental impairment that has a substantial and long-term negative effect on their ability to do normal daily activities”* as detailed in the Equality Act 2010.

Information on what is or is not covered by the Equality Act 2010 can be found at www.gov.uk. Employees can also access advice from their Trade Union.

Progressive conditions such as motor neurone disease and muscular dystrophy are covered by the Equality Act 2010. Conditions of cancer, multiple sclerosis and HIV are automatically covered from day of diagnosis.

If you have had a condition in the past which was classed as a disability then you are also covered by the Equality Act 2010.

Q3. When can I use Disability Leave?

It is for **planned** absences related to your disability such as the installation or fitting of equipment or planned counselling or therapeutic treatment. See guidance for a fuller list of examples of when it could apply.

If you become unwell following any planned treatment related to your disability (which would be classed as Disability Leave), any days off recovering from the treatment would be classed as sickness absence and dealt with in accordance with the Maximising Attendance policy and guidance.

Q4. What if an unplanned event, related to my disability, prevents me for attending work?

Disability Leave does not cover any unexpected disability related events that would prevent you from attending work. In such circumstances you should contact your line manager as soon as possible to discuss how lost time can be covered such as using annual leave, unpaid leave, homeworking or flexi time.

Q5. How much Disability Leave can be taken?

Line managers may grant a reasonable amount of paid time off taking your individual requirements along with the Service's ability to accommodate these into account.

Q6. What do I tell my line manager?

You must declare that you consider yourself to have a disability covered by the Equality Act 2010. You will also discuss the timings and amount of Disability Leave that you may require to take.

Q7. How do I apply for Disability Leave?

Your line manager will determine that they consider your condition is likely to meet the disability criteria specified in the Equality Act 2010. Your manager may need to seek advice from HR to make a determination. A discussion will then take place between you and your line manager as to the potential Disability Leave requirements and any other reasonable adjustments or support measures.

The Disability Leave Guidance sets out the full process for applying for Disability Leave if you have access to YourHR and a process if you do not have access to YourHR.

Q8. What information is recorded?

You will be required to confirm you consider you have a disability covered by the Equality Act 2010 (either ticking a box on YourHR or signing a form) and provide consent to sensitive personal data being processed in accordance with the Data Protection Act 1998 (either ticking a box on YourHR or signing a form). This information will be updated on your personal record on the HR system.

Q9. Is the information used for anything?

As this is sensitive personal data in terms of the Data Protection Act 1998, it will be held confidentially and used for monitoring, statistical reporting and promoting equality and diversity. As detailed in Q8 above you will be required to consent to sensitive personal data being processed in accordance with the Data Protection Act 1998.

Q10. What if my condition changes?

If your condition or circumstances change you should inform your line manager who will discuss your Disability Leave requirements and any other reasonable adjustments or support measures that may need to be reviewed.