

Disability Leave Guidance

DOCUMENT CONTROL

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TABLE OF CONTENTS

	Section	Page
1	Introduction	
	Purpose	4
	What is Disability Leave?	4
	Application – Equality Act 2010	4 - 5
	What types of situations can Disability Leave cover?	5 - 6
	How much Disability Leave can be applied for?	6
	Differences between Sick Leave and Disability Leave	6
2	Reasonable Adjustments and Access to Work	
	Reasonable Adjustments	7
	Access to Work	7
3	Process for Disability Leave	
	Step 1 – Determining whether the employee has a disability and qualifies for Disability Leave	8
	Step 2 – Confirm and Record Disability	8
	Step 3 – Planning the requirement for Disability Leave	8
	Step 4 – Applying for and approval of Disability Leave	9
	Step 5 – Review of Disability Leave Requirements	9

SECTION 1: INTRODUCTION

Purpose

The Council is committed to promoting equal opportunities and supporting employees with disabilities to meet its responsibilities under the Equality Act 2010. It will make reasonable adjustments in the workplace to support employees with a disability and deploy good employment practice in making reasonable adjustments such as adjusting working hours or providing specialised equipment where possible.

The provision of Disability Leave can assist with this, allowing employees with a disability or those who become disabled, to focus on addressing the specific needs and impacts of their condition during employment, supported by the Council.

Aberdeen City Council is a Disability Confident Employer which demonstrates our commitment to supporting employees with a disability to both enter the workplace and throughout the employee lifecycle. The Disability Confident government scheme is a recognition given by self and peer assessments to take action to meet five commitments regarding the employment, retention, training and career development of disabled employees. It is represented by the Disability Confident symbol that participating organisations are authorised to display.

What is Disability Leave?

Disability Leave is paid special leave for **planned absences**, agreed in advance, when arrangements which are directly related to the employee's disability prevent the employee from attending work. Disability Leave takes account of the employee's particular needs and circumstances and can be taken as individual days or blocks of leave.

Application – Equality Act 2010

Disability Leave and this guidance document applies to employees who are regarded as having a disability under the definition detailed in the Equality Act 2010 and who follow the process detailed in this guidance. The line manager, with advice from People Services if required, will first determine whether it is likely that the disability is covered by the Equality Act 2010 (see Step 1 of the process).

Under the Equality Act 2010, a person is regarded as having a disability if they “have a physical or mental impairment that has a substantial and long-term negative effect on their ability to do normal daily activities”. ‘Substantial’ means that it must be more than minor e.g. taking much longer than it usually would to complete a daily task such as eating, washing and getting dressed. The term ‘Long-term’ means 12 months or more.

Disabilities encompass a wide variety of hidden, physical, sensory, mental and neurodivergent conditions, often fluctuating that impact an employee's ability to work differently. This includes (but is not limited to) long-term physical health conditions, mental health conditions, learning disabilities, and neurodivergent conditions such as Autism, ADHD, Dyslexia, or Dyspraxia. There are certain medical diagnoses that are automatically classified as disabilities, such as cancer, HIV, and multiple sclerosis, and which are automatically covered from the day of diagnosis.

The Equality Act 2010 also covers progressive conditions, such as motor neuron disease and muscular dystrophy. Employees who have had a condition in the past which was classed as a disability are also covered by the Equality Act 2010.

Not all conditions will be covered by the Equality Act 2010 e.g. addiction to non-prescription drugs and alcohol. Further information on what is or is not covered by the Equality Act can be found at <https://www.gov.uk/guidance/equality-act-2010-guidance>. Employees can also access advice from their trade union.

What types of situations can Disability Leave cover?

The following are examples of situations where Disability Leave may apply. This is not an exhaustive list, and requests should be considered on a case-by-case basis:

- Installation and/or fitting/servicing, of equipment
- Planning and implementation of adjustments to the workplace/job
- Planned counselling/therapeutic treatment
- Planned therapy (e.g. physio, occupational or speech)
- Attending appointments or receiving planned hospital/medical treatment related to their disability as an outpatient. This may include travel and recuperation times.
- Blood tests for diabetes, cancer or other conditions, and treatment or tests and recovery time
- Hearing aid tests, or assessments for conditions such as dyslexia.
- Dialysis treatment
- Training with guide, hearing or other assistance dogs

Disability Leave **does not** cover an **unexpected** disability related event that prevents an employee from attending work. Where an unexpected disability related event prevents attendance at work such as equipment malfunction or sudden appointment adjustments, the employee should inform their line manager as soon as possible to discuss suitable options for covering periods of unplanned absence, which may include the use of flexible working arrangements, use of annual leave, or unpaid leave, the use of flexible working options such as working from home, or flexi time (where applicable).

If the employee is the parent or carer of someone with a disability, Disability Leave does not apply, and instead there may be provisions under the [Special Leave](#) or [Family Friendly Leave](#) policies that cover a situation where time off is needed in relation to their caring role, such as time off for dependents, compassionate leave, or parental leave.

How much Disability Leave can be applied for?

Line managers may grant a **reasonable amount** of paid time off taking the employee's individual circumstances and the Service's ability to accommodate this into account. Line managers are encouraged to use their discretion and consider applications for Disability Leave on a case-by-case basis, adopting a positive, pragmatic approach. Advice on this can be provided by People Services.

Differences between Sick Leave and Disability Leave

Disability Leave is for absences that are not related to sickness, with these to be managed under the Council's [Supporting Attendance and Wellbeing policy](#).

Disability Leave is intended solely for absences directly related to the employee's disability. Not every absence will qualify as 'disability leave.' For instance, if an employee has a disability but is absent from work due to an unrelated illness, such as a cold or flu, this would be considered normal sickness absence.

It is important to note that an employee does not need to be unwell to request disability leave. This type of leave should be taken for pre-arranged medical appointments related to the employee's disability and be used exclusively for appointments or planned absences connected to the employee's disability, and not for unrelated reasons.

Employees are encouraged to highlight disability related absences when notifying their manager of the period of sickness absence, which should be done in accordance with the Supporting Attendance and Wellbeing policy. When managers are informed that an absence is related to disability, they can provide appropriate support by managing such absences in line with the policy and initiating reasonable adjustments as required.

SECTION 2: REASONABLE ADJUSTMENTS & ACCESS TO WORK

Reasonable Adjustments

The Council is committed to supporting a positive experience for all employees by considering and implementing reasonable adjustments to promote inclusion and remove barriers for employees who have a disability. These adjustments are evidence-based and typically emerge from constructive discussions between the employee and their line manager, often with input from independent sources such as consultant letters, medical reports, or Access to Work assessments. Other relevant factors, including the employee's working environment, the services offered by the Council, and legal requirements, will also be considered to prevent any substantial disadvantage.

An employee is encouraged to declare to their line manager that they have a disability and where they may need to access Disability Leave. This will facilitate discussion around Disability Leave and any other reasonable adjustments that may be required to support the employee at work.

Access to Work

Access to Work (AtW) is a publicly funded employment support programme that aims to help more disabled people start or stay in work. It can provide practical and financial support for people who have a disability or long-term physical or mental health condition. Support can be provided where someone needs help or adaptations beyond reasonable adjustments.

Further guidance for managers and employees on making Reasonable Adjustments and Access to Work is available on People Anytime - [Reasonable Adjustment Passports](#) and [Guidance on Disability in the Workplace](#).

SECTION 3: PROCESS FOR DISABILITY LEAVE

Step 1 – Determining Whether the Employee Has a Disability and Qualifies for Disability Leave

When an employee informs their line manager of a disability, either verbally or in writing, the line manager, in consultation with People Services as necessary, will initially assess whether the condition is likely to be covered under the Equality Act 2010 (see '*What types of situations can Disability Leave cover*' above).

Step 2 – Confirm And Record Disability

Once it has been established that the condition is likely to meet the disability criteria specified in the Equality Act 2010, the employee will complete the [Reasonable Adjustment Passport](#). Once completed, the passport is authorised and stored securely within the HR/Payroll System and will be accessible to both the employee and their line manager. The passport is intended to “travel” with the employee and be used when they change roles, managers, or when there is a restructuring.

Next, employees are encouraged to log in to the HR/Payroll System and, if necessary, update their diversity information by self-declaring that they have a disability covered by the Equality Act 2010. Once completed, the employee should confirm to their manager that this step has been completed.

The Reasonable Adjustment passport only needs to be completed once and reviewed annually as a minimum. Should circumstances regarding Disability Leave change following initial authorisation, employees are encouraged to discuss and amend the Reasonable Adjustment Passport with their line manager to reflect these changes. Following these steps, the employee can apply for Disability Leave.

Step 3 – Planning The Requirement for Disability Leave

The line manager should review the employee's requirement and discuss anticipated requirements for Disability Leave. At this stage, the employee may not have definitive dates, for example, for planned treatment appointments; but may be able to provide an estimate of the amount or timing of the potential leave. Engaging in early discussions and planning will help the Service accommodate Disability Leave requests and identify any additional reasonable adjustments or support measures that may be needed. Following this planning stage, the employee may apply for Disability Leave.

Step 4 – Applying For and Approval of Disability Leave

Employees should apply for and obtain approval for disability leave following the standard procedures used for requesting leave within the Council's HR/Payroll System.

If an employee is unable to access the HR/Payroll System, they should discuss their request for Disability Leave directly with their line manager. The line manager will then be responsible for entering the request in the HR/Payroll System on the employee's behalf, provided the request is to be approved.

Step 5 – Review of Disability Leave Requirements

Depending on the length of absence, the line manager should stay in touch when the employee is absent due to disability leave, to find out how they are, to discuss any concerns and, where appropriate, to provide the employee with updates regarding work. Disability leave is not intended to apply to extended periods of absence, which will be considered as disability-related sickness absence.

The line manager and employee should collaboratively review Disability Leave requirements as appropriate.

If an employee's circumstances or condition change, they are encouraged to promptly notify their line manager and discuss any necessary adjustments to their Disability Leave arrangements. The line manager may, where appropriate, seek advice from People Services to consider further reasonable adjustments or additional support measures for the employee.

Fraudulent Claims

If an employee is found to have made a fraudulent Disability Leave claim by either:

- (i) claiming they have a disability when they are not classified as disabled
- (ii) claiming an absence was planned, when it was in fact unplanned and therefore does not qualify for Disability Leave

then the matter will be addressed under the Council's Managing Discipline Policy.

These guidance notes aim to provide answers to any queries on managing Disability Leave and a manager or employee is expected to refer to People Anytime in the first instance. If the information to answer a query cannot be found within the guidance notes, it can then be raised with People Services by e-mailing AskHR@aberdeencity.gov.uk