

DISABILITY LEAVE POLICY AND PROCEDURE

This document applies to all Council employees

Notes:

- This policy is advisory only for all school based employees

This document may not be applicable to employees who transferred into LCC under TUPE legislation and remain on the terms and conditions of their previous organisation.

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DISABILITY LEAVE POLICY AND PROCEDURE

INTRODUCTION

Lincolnshire County Council's aim is to promote equality of opportunity for all employees and remove or make adjustments to policies which could disadvantage disabled employees.

WHAT IS DISABILITY LEAVE?

Disability Leave is to enable paid time away from work for pre-planned appointments or treatments, related to an employee's disability, that help maintain health and wellness.

It is not intended for use when an employee is not well enough to attend work – instead please see the [Absence Management Policy](#).

Disability leave is a form of reasonable adjustment in line with the requirements of the Equality Act 2010. Please refer to [Equality Act 2010 Guidance](#) for further information.

Disability leave can cover a range of disability related appointments. Examples of when Disability leave may be appropriate are outlined below, however this is not an exhaustive list and requests should be considered on a case by case basis:

- Treatment related to an employee's disability
- Hearing aid tests
- Training with a guide or hearing dog
- Counselling/therapeutic treatment
- Physiotherapy
- Assessment for conditions such as dyslexia
- Dialysis treatment
- Having equipment serviced or fitted
- Blood tests for diabetes
- Related complementary medicine practitioners appointments
- Maintenance chemotherapy treatments and recovery time (where the employee is well enough to attend work but is signed off for short periods to avoid infection).

Disability leave may also be used where based on medical advice that it is not appropriate to remain at work or be redeployed, while reasonable adjustments are made by the authority (such time off will not be taken into account when considering possible dismissal on the grounds of medical incapability).

Please note that if reasonable adjustments are not possible or fail to enable the employee to return/remain at work then the [Absence Management Policy](#) will apply.

Disability leave is a reasonable adjustment and must be agreed for a specified reason. This should not be used to extend sick pay and should also not be used for Disability Related Sickness absence (see [Absence Management Policy](#)).

For hospital/consultant/specialist clinic appointments please see the provisions within the [Absence Management Policy](#), which could include any appointments for a review of a person's medical condition or disability or medication being used.

WHO CAN REQUEST DISABILITY LEAVE?

Any employee who considers themselves disabled under the definition contained in the Equality Act 2010 and has requirement to use Disability Leave as outlined above can request disability leave.

Eligible employees should apply to their line manager for Disability Leave.

For information on the definition of disability, please refer to the [Equality Act 2010 Guidance](#).

HOW MUCH DISABILITY LEAVE CAN AN EMPLOYEE REQUEST?

Line Managers may grant **a reasonable amount** of paid time off dependent upon the specific requirements, for disabled employees using disability leave.

WHAT IS REASONABLE?

It is impossible to give hard and fast guidelines for the amount of Disability Leave an employee may need because individuals' disabilities, personal management strategies and circumstances are so different.

People may have the same disability but different coping mechanisms. These individual, personal coping and management factors need to be considered in assisting the individual.

What is vital is a positive, pragmatic approach. Employees with disabilities need to feel confident and supported when they approach managers with such issues, and should not be left feeling vulnerable or that they have been disadvantaged.

Advice on disability, and possible reasonable adjustments, is available from Occupational Health.

Employees should be fully consulted about any decision made or advice received.

Managers are urged to adopt a flexible approach and refer to Human Resources for further advice.

RECORDING DISABILITY LEAVE

Disability leave should be recorded in two ways:

Electronic Absence Recording System

Disability Leave should be recorded by line managers in the same way as other types of leave using the Business World On! system.

Reasonable Adjustment Record

It is best practise to also include requirements for disability leave on the [Reasonable Adjustment Record](#) so these can be included and planned for in a regular review of the agreed reasonable adjustments in place. Please see the [Supporting Disabled Employees in the Workplace Guidance](#) for further information.

Employees using disability leave should ensure their personnel record in Business World On! is up to date regarding their disability status.

DISABILITY RELATED SICKNESS ABSENCE

Disability related sickness absence arises where an employee's sickness absence is related to their disability. This would include recovery time following treatment related to a disability. Please see the [Absence Management Policy](#) for further information on Disability related sickness, and on recording hospital appointments.

Reasonable adjustments for disability related sickness absence may be made as part of the absence management procedure.

RESPONSIBILITIES

DIRECTOR AND ASSISTANT DIRECTOR LEVEL

- Ensuring that the policy is applied consistently within their Directorates.
- Communicating policies and procedures to all employees.

SERVICE MANAGER – PEOPLE MANAGEMENT

- Review and updating of the policy.

MANAGERS

- Ensuring that they manage requests for Disability Leave in accordance with the policy.
- Recording Disability Leave appropriately.

EMPLOYEES

- Ensuring that their personnel record in Business World On! is up to date regarding their disability status.

OCCUPATIONAL HEALTH

- Providing a clear assessment of cases in which the Equality Act 2010 applies.

ADDITIONAL RELEVANT POLICIES/GUIDANCE

- [Absence Management Policy](#) – recording of hospital appointments and disability related sickness.
- [Supporting Disabled Employees in the Workplace Guidance](#).
- [Template Form for Recording Reasonable Adjustments](#).
- Guidance on Reasonable adjustments – [Lincs 2 Learn](#).

ADVICE AND SUPPORT

Please contact Human Resources.