

DISABILITY LEAVE

1. Introduction

- 1.1 Disability Leave is a positive intervention that is aimed to support employees with a disability to manage their condition.
- 1.2 Disability Leave enables an employee to attend treatment, rehabilitation or assessment which is directly related to managing their disability or to enable employees to make adjustments inside or outside of work. It is not sickness absence and will not be recorded as such.
- 1.3 As a Disability Confident employer, the Trust is committed to creating a positive working environment and people with a disability have a right to be treated with consideration and respect.

2. Purpose and objectives

- 2.1 This policy sets out the arrangements whereby employees with a disability may be granted reasonable paid time off work for reasons related to managing their disability.
- 2.2 This policy exists to ensure that employees who wish to access Disability Leave know what is expected of them and that there is a clear method for reviewing requests.

3. Definition of Disability Leave

- 3.1 Disability leave is period of paid time off work for a reason directly related to managing an employee's disability. It can be a short or longer period of time.
- 3.2 Disability Leave is an example of a reasonable adjustment under the Equality Act 2010. The aim is to avoid employees with a disability taking annual leave or having a poor attendance record as a result of managing their disability. Not all disabled employees will request to take Disability Leave.
- 3.3 Disability Leave will not be counted as sickness absence or for reasons linked to the assessment of performance, attendance monitoring, selection for redundancy or similar circumstances.
- 3.4 Disability Leave is counted as continuous service for all contractual terms of employment.

4. Pay and Disability Leave

- 4.1 Headteachers may agree a reasonable period of paid time off work as Disability Leave for a reason related to an employee managing their disability, taking into account medical information for example a treatment plan and, if required, Occupational Health advice.

5. Disclosure and confidentiality

- 5.1 Employees are encouraged to view the disclosure of their disability as a positive act to enable their school / academy to make reasonable adjustments.

- 5.2 To access Disability Leave, a disability disclosure should be made by an employee. The Trust may need to refer the employee to Occupational Health to determine the nature of the disability and any reasonable adjustments which may be required.
- 5.3 Medical information about employees will be kept strictly confidential unless the employee gives written consent for this information to be shared including what information may be shared and with whom.

6. Disability Leave versus Sick Leave

- 6.1 Disability leave is distinct from Sick Leave, and is time when an employee is absent from work for a disability related reason and to enable the employee to manage their condition, it is not Sick Leave and will not be recorded as such.
- 6.2 If an employee is on Sick Leave and it becomes clear that they qualify for Disability Leave, then after following this procedure, they can be transferred onto Disability Leave.
- 6.3 Time off work due to ill health for a reason unconnected to managing the condition arising from the disability as described in this policy will be recorded and treated as Sick Leave.

7. Entitlement to Disability Leave

- 7.1 It is recognised that not all disabled employees will necessarily need to take Disability Leave, however employees who are disabled (using the definition in the Equality Act 2010) are entitled to request Disability Leave. The Act defines a disabled person as:
- having a physical or mental impairment
 - the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities, including recurring impairments e.g. Menière's Disease or Rheumatoid Arthritis.

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
 - 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months
 - 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping
- 7.2 The effects of a disability depend on the individual and their circumstances. To accommodate individual needs requires some flexibility and as such Disability Leave is categorised as either short or long term leave.

8. Requesting Disability Leave

- 8.1 Disability Leave will ideally be agreed at least 10 working days in advance of the start date with the Headteacher. This should include the approximate number of days and dates. It is acknowledged that these may not be precise, but they will assist in planning work activity.

- 8.2 It is noted that some conditions are unpredictable and it may not be possible to plan Disability Leave in advance to provide time for an employee to manage their disability. As such Headteachers should consider applications for Disability Leave which are not planned in advance in exceptional circumstances. Where the situation is unclear advice may be obtained from Occupational Health.
- 8.3 Where applications for Disability Leave are refused the reasons will be provided to the employee in writing. Appeals regarding Disability Leave will be dealt with by the grievance procedure.

9. Short term Disability Leave

- 9.1 Individual days that a disabled person requires for treatment, rehabilitation, or assessment directly related to managing the disability and are agreed in advance. Examples of short term planned Disability Leave include:
- Hospital or Doctors appointments for reasons related to managing the disability
 - Hearing aid tests
 - Training with guide or hearing dog
 - Therapeutic / counselling treatment related to the disability, including mental health conditions
 - Recovery time after treatment e.g. blood transfusion or dialysis
 - Assessment for such conditions as dyslexia
 - Physiotherapy
- 9.2 Any time agreed must be reasonable within the constraints of the school / academy's needs, the impact on students / colleagues and available budgets

10. Long term Disability Leave

- 10.1 Disability Leave may be appropriate to enable employees with a disability to make changes inside and outside of work; while physical or environmental adjustments are being made to an employee's work environment; or if an employee has to undergo a period of treatment. Examples of long term Disability Leave include:
- a period of time off work while reasonable adjustments are made at work
 - treatment associated with managing the disability

11. General Data Protection Regulation

- 11.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

Review cycle:	Every two years
Next review due:	September 2020
Policy owner	Head of HR
Approving body:	Board of Trustees
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