



DISABILITY LEAVE SCHEME

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ABERDEENSHIRE COUNCIL DISABILITY LEAVE SCHEME: GUIDELINES

1 Introduction

- 1.1 Aberdeenshire Council recognises the implications of and its responsibilities under the Disability Discrimination Act 1995.
- 1.2 This scheme enhances the support and assistance available to disabled employees.
- 1.3 This document sets out what disability leave is, when it is available and the procedure for applying for it.
- 1.4 Any employee who considers that the following procedure has been unfairly or incorrectly applied may address the matter under the Council's Grievance Procedure.
- 1.5 Abuse of the disability leave scheme will be dealt with in accordance with the Council's Discipline Policy.
- 1.6 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?

- 2.1 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 10 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 the Personnel Service.
- 2.2 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.
- 2.3 Disability leave is distinct from sick leave and should not be counted for attendance management purposes.

3 Eligibility

- 3.1 All employees who are disabled under the definition of the Disability Discrimination Act 1995 are entitled to disability leave. There is no qualifying period for any employee wanting to be considered for disability leave.
- 3.2 The Disability Discrimination Act 1995 states that a disabled person is someone who has a physical or mental impairment, which has an adverse effect 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

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

4 Disability Leave Procedure

4.1 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.

4.2 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 the

- Council's Occupational Health Advisor
- Personnel Service
- 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.

4.3 Planned Leave

4.3.1 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.

- 4.3.2 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

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

4.3.5 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.

4.3.6 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.

4.4 Unplanned Leave

4.4.1 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.

- 4.4.2 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 etc)
 - breakdown of usual arrangements which make it difficult to get to work (e.g. care breakdown and in the absence of an accessible alternative)

4.4.3 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.

4.5 Reasonable adjustments should be made wherever possible to counteract the need for disability leave, for example it may be necessary for an asthma sufferer to have disability leave in the summer when pollution 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.

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