

## **APPENDIX D - DISABILITY LEAVE**

### **1 Definition of Disability Leave**

Up to 5 days of paid disability leave (pro-rata for part time staff) can be used by employees in a rolling twelve month period. The leave is intended to be used by those staff who have a disability and are fit to work, but who require special leave with pay for rehabilitation, assessment, or treatment directly related to their disability. Disability leave will not be counted towards the trigger level for sickness absence. The leave can be taken in hours, or in part or whole days but must be applied for in advance and be supported by evidence of the appointment for which the leave is being requested.

Disability leave cannot be used as a substitute for sick leave. For example, someone who is undergoing a planned medical intervention related to their disability can take paid disability leave for this period but if they are unable to return to work on the following days, they must follow the standard sickness procedure and this will be counted towards the trigger level.

### **2 Eligibility for disability leave**

Employees who are, or who are likely to be, considered disabled as defined in the Equality Act 2010 can apply for disability leave by completing the relevant form on Halo.

The Equality Act 2010 defines a person as disabled where they have physical or mental impairments that have a substantial and a long-term effect on that person's ability to carry out normal day-to-day activities. A long-term effect is one which has lasted, or is expected to last, at least 12 months. This definition includes progressive conditions, where the severity of impact on day-to-day activities may increase in the future; and conditions that have a substantial effect for short periods and are likely to recur. Of these conditions HIV, multiple sclerosis and cancer, are deemed to be disabilities from the date of diagnosis.

Where disability leave is requested the manager should check whether the disability status has been declared on the individual's workforce equality declaration and if the employee has not declared their status as disabled, a discussion should be had with them as it may be that the disability was not evident at the time of completing the form. A referral to Occupational Health may be needed for advice on whether the employee's condition would meet the criteria in the Equality Act.

### **3 Applying for disability leave**

An application for leave should be made in advance of the date wherever possible. Retrospective applications can only be made in exceptional

circumstances relating to emergency circumstances which could not have been foreseen.

The application form on Halo should be completed and sent to the line manager for approval and if approved, the details entered onto SAP by the manager.