

Disability Leave Guidance

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Consultation	The Disability Leave Guidance is in-line with Somerset County Council's Policy and has been subject to consultation and agreement with the recognised trade unions. It is recommended for adoption by Schools and Academies. A review of the guidance in 2017 resulted in no changes.

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1. What is Disability Leave?

Disability leave is where the effect of an employee's disability results in an employee requiring leave which is directly associated with their disability. This will need to be accommodated as far as is reasonable within the terms of the Equality Act 2010.

Headteachers/Managers should always consider whether it is possible to reduce the extent of disability related absence through reasonable adjustments. The Equality Act 2010 specifically identifies the provision of leave as a reasonable adjustment where a disabled person needs to be absent from work for 'rehabilitation, assessment or treatment' (e.g. the routine assessment of hearing aids, hospital or specialist check-ups, including monitoring of related equipment or treatment).

Disability leave does not apply to absence through sickness, whether it is related to a disability or not, which is determined by either self-declaration or a Statement of Fitness for Work.

2. Who does Disability Leave apply to?

Disability leave is not a right and as such each case will be considered on its merits.

It will apply to employees who have completed the Equalities Monitoring Form or equivalent declaring that they or a dependant have a disability. Otherwise, the school would not be obliged to consider making adjustments and adaptations. The payroll service will be able to inform the school if the individual has declared a disability.

Employees who have had a disability in the past, but no longer have that disability, will be able to apply for disability leave for follow up appointments related to their disability (e.g. check ups or ongoing assessments to ensure that treatment has been effective).

3. Employees who are carers of disabled people

Headteachers/Managers are not obliged to make reasonable adjustments under disability discrimination legislation for employees who bring associative claims as carers of disabled people.

However, Headteachers/Managers should bear in mind that employees with such caring responsibilities may make a request for flexible working and, therefore, they should ensure that any such request is considered reasonably.

4. What are legitimate reasons for requesting Disability Leave?

An employee requesting disability leave is not ill but needs to have time off for a disability related reason. The following list provides *some examples* of disability related reasons but is not *exhaustive*. All of these must relate directly to the employee's disability:

- a) Specialist hearings or sight examinations.
- b) Assessment for diabetes, HIV, dyspraxia.
- c) Training with a guide, hearing or companion dog.

- d) Training in the use of specialist pieces of equipment.
- e) Training in the use of Braille, Moon, signing, lip reading, deaf/blind manual.
- f) Counselling or therapeutic treatment e.g. relating to a mental illness.
- g) Recovery time after a blood transfusion or dialysis.
- h) Physiotherapy either sessional or residential.
- i) To allow time for adjustments or adaptations to be made.

Leave can be requested for a single day or a series of individual days depending on the circumstances.

5. How does an employee request Disability Leave?

If an employee needs to take disability leave, they should seek to make arrangements with their Manager as far in advance as possible.

In normal circumstances, a Manager will be expected to grant the request for disability leave.

In exceptional circumstances, there may be objective operational reasons for refusing the request; in which case, the Manager should seek advice before responding.

If the employee considers the refusal of a request to be unreasonable, they can refer the matter to the Headteacher/Chair of Governors for review.