**DISABILITY LEAVE POLICY**

**EDINBURGH NAPIER UNIVERSITY**

1. **Introduction**

1.1 The University is committed to ensuring that staff with a disability under the terms of the Equality Act (2010), and staff who are the primary carer for someone with a disability, are not disadvantaged because of a reason related to their disability / dependant’s disability and feel supported. This includes entitlement to sickness absence leave and this policy provides a framework within which disabled staff, or staff who acquire a disability within the course of their employment at the University, may claim Disability Leave provided that their condition is covered (or likely to be covered) by the Equality Act 2010. This policy also applies to staff who are the primary carers of someone with a disability.

1.2 Under the Equality Act 2010 (the Act), a person is disabled if they “have a physical or mental impairment that has a substantial and long-term negative effect on their ability to do normal daily activities. ‘Substantial’ means that it must be more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task such as getting dressed is covered by the Act. ‘Long term’ means 12 months or more.

1.3 The Act also covers progressive illnesses such as HIV, cancer or multiple sclerosis which automatically meet the definition of a disability from the day of diagnosis. Staff who have had a disability that meets this definition in the past are also covered by the Act. Visual impairments are automatically deemed to meet the definition (this does not include the routine wearing of spectacles unless the spectacles are worn because of a specific condition likely to be categorised as a disability under the Act).

1.4 Not all conditions qualify as a disability e.g. addiction to non-prescription drugs and alcohol and there is no definitive list of disabilities covered by the Act. Further information on what is or is not covered by the Act can be found on [www.gov.uk](http://www.gov.uk) .

1. **Why do we need this policy?**

2.1 This policy seeks to balance the needs of disabled staff with, the operational requirements of the University, The policy should be viewed as a positive and supportive measure designed to further enhance the University’s inclusive environment. It acknowledges that disabled people may face inadvertent discrimination or disadvantage.

2.2 The University recognises and values the skills and experience of all its staff and commits itself to considering, where appropriate, all applications for ‘reasonable adjustments’ as recognised by the Equality Act 2010.

1. **What is the difference between sick leave and disability leave?**

3.1 Disability Leave can only be used for absences that occur as a direct result of an individual’s disability or for caring (as a primary carer) for a dependant who has a disability. This means that not all absences will be automatically classed as ‘disability leave’. If you have a disability and are off work for another reason, for example because you have a cold or the flu, this will be classed as ordinary sick leave.

3.2 Disability leave is paid leave and can be granted for a maximum of six weeks within each 12 month rolling period. Disability leave may be taken in full or half day periods.

3.3 Individuals do not need to be ‘sick’ in order to claim disability leave. Disability leave may also be used for pre-planned hospital appointments or, if you are the primary carer of someone with a disability, to take your dependant to a hospital or GP appointment. It must be remembered at all times that disability leave must only be used for appointments related to the individual’s disability and not for any other reason.

3.4 Time spent on disability leave is counted as continuous service for all contractual purposes including salary, annual leave and pension rights. An individual’s disability leave record will not be included for the purposes of assessing performance, promotion, selection for redundancy etc.

1. **What is the process to follow to use disability leave?**

4.1 There is no qualifying period for disability leave. Each case will be considered on an individual basis by a referral to the University’s Occupational Health Provider. If you have recently started at the University and stated on your Contract Acceptance and Personal Details Form that you have a disability, Human Resources will contact you to ensure that any appropriate reasonable adjustments have been made to your workplace.

4.2 If you are already established in post and suspect that you may have a disability that is likely to be covered by the Act you should in the first instance inform your line manager and complete the University’s [Notification of Disability Form](http://staff.napier.ac.uk/services/hr/Documents/Notification%20of%20Disability.docx) (appendix A).

4.3 The completed form must be returned to your relevant HR Adviser, and will prompt a referral to Occupational Health (OH) who will assess whether or not the condition is likely to be covered by the Act. OH may, with your consent, seek further information or advice from your GP or specialist.

4.4 If OH confirm that your condition is likely to be covered by the Act, Human Resources will update the HR system and send you a letter confirming your entitlement to disability leave.

4.5 Disability Leave is not an automatic right and you must complete a [Special Leave Form](http://staff.napier.ac.uk/services/hr/Documents/HR%20Forms/SpecialLeaveRequestForm%20August%202015.doc) for each occasion that you take Disability Leave, which must be signed by your line manager. Upon completion this form must be sent to Payroll to input on the HR System.

4.6 If you are currently on sick leave or have recently returned from sick leave and it transpires that the cause of your recent / current absence is related to your disability, your sickness absence record will be retrospectively changed to reflect the new situation i.e. changed from sick leave to disability leave.

1. **Notifying the University**

5.1 If you are ill and cannot come into work and that illness is related to your disability you must follow the usual procedure for informing the University. You must, where possible, contact your line manager by 10am on the first day of absence as outlined in the [Sickness Absence Policy](http://staff.napier.ac.uk/services/hr/Documents/Policies/Sickness%20Absence%20Policy.doc).

5.2 If you have an appointment(s) for treatment related to your disability (i.e. planned treatment) you should agree this in advance with your line manager. This will help the University to plan around your absence(s). Examples of planned leave could include (but are not limited to) the following:

* hospital, GP or complementary medicine appointments
* assessment for conditions such as dyslexia
* hearing aid tests
* training with guide or hearing dog
* counselling/therapeutic treatment
* recovery time after blood transfusion or dialysis treatment
* physiotherapy
* chemotherapy or other cancer related treatments

5.3 You must maintain contact with the University while you are off. The frequency of contact may differ depending on a number of factors such as the nature of the work, promotion opportunities or changes in the workplace. In cases of planned leave, it is expected that you and your line manager have agreed contact details in advance of your going on leave. Contact can be by telephone, email or by making a visit in person to the workplace.

5.4 If you need help or advice you should contact:

* Human Resources and Development Ext 3362
* Health and Safety Ext 6377
* University’s Employee Assistant Provider 0800 243 458

5.5 If your absence is for 4 weeks or more you will automatically be referred to OH in line with the University’s Managing Sickness Absence Policy. Abuse of disability leave is a serious offence and will be dealt with under the University’s Disciplinary Policy and Procedure.

1. **Review of Disability Leave**

6.1 If you are considered eligible to utilise disability leave, this will be reviewed by OH on an annual basis. Additionally, staff who acquire a disability or whose circumstances change may request an OH review (or reasonable adjustment) at any time.

6.2 In cases where the disability becomes acute and a return to an individual’s current job becomes problematic OH will, in consultation with the individual and their line manager, advise on suitable alternative reasonable adjustments. These may include, but are not limited to, redesigning the job, retraining and or redeployment. Where no reasonable adjustments can be identified and agreed, consideration will be given to other options which may include alternative roles within the University or termination of employment through ill-health.

**APPENDIX A**



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|  | | **EDINBURGH NAPIER UNIVERSITY**  **HUMAN RESOURCES**  **Notification of Disability** | | | | | |  |
| **Name:** |  | | | **Employee Number:** | | |  | |
| **School/**  **Service:** |  | | | **Post title:** | | |  | |
| Do you consider yourself to have a disability? ❑ Yes ❑ No If yes, please tick the relevant box below. | | | | | | | | |
| 1❑ Learning Impaired  2 ❑ Visually Impaired  3 ❑ Hearing Impaired | | | 4 ❑ Mobility Impaired  5 ❑ Personal Care Support  6 ❑ Mental Health Impaired | | | 7 ❑Hidden Disability  8 ❑ Multiple Disability  9 ❑ Other Disability (please give details below): | | |
| Other Disability : | | | | | | | | |
| ***Human Resources Use Only*** | | | | | | | | |
| **Input on Itrent:**  ❑ Yes By: Date: | | | | | **Payroll Notified**:  ❑ Yes Date: | | | |
| **Referral to OHS:**  Required: ❑ Yes ❑ No  Completed by HR: ❑ Yes Date: | | | | |  | | | |