



**NORTHERN IRELAND JOINT COUNCIL
FOR LOCAL GOVERNMENT SERVICES**

27 March 2014

To: Chief Executives of District Councils
Copy to: Members of the NIJC
Local Government Staff Commission for NI

Dear Chief Executive

**CIRCULAR NIJC 07-2014
Issued March 2014
MODEL DISABILITY LEAVE POLICY**

Introduction

The Northern Ireland Joint Council for Local Government Services (NIJC) has agreed this model policy (see attached) to assist Councils in developing local policies. In adopting local policies Councils, in partnership with local trade unions, should adapt this model policy to fit with local circumstances and other policy frameworks.

Purpose

The purpose of the disability leave policy is to provide employees with disabilities reasonable paid time off work for reasons related to their impairment.

In some cases employees with disabilities may from time to time require time off for a reason relating to their disability, for example to attend appointments or undergo treatment or rehabilitation.

The intention of this disability leave policy is to grant leave in such circumstances rather than have this time off recorded as either sick leave or annual leave. The leave granted would be considered as special leave under Part 2, paragraph 7.9 of the national agreement on pay and conditions of service (the 'Green Book').

Implementation

The NIJC urges Councils to implement this policy, with any local adaptations, in co-operation with local, recognised trade unions as positive support to employees, and potential employees, with disabilities.

We also urge parties locally to implement such arrangements in a positive and flexible manner in line with the spirit of this agreement – in particular that it is intended to be a reasonable adjustment in terms of the Disability Discrimination Act 1995.

Yours sincerely

JOHN ADAMS
Employers' Side Secretary

BUMPER GRAHAM
Lead Trade Union Side Secretary

Enc



DISABILITY LEAVE POLICY AND PROCEDURE

INTRODUCTION

[Name] Council's aim is to promote equality of opportunity for all employees and remove or make adjustments to policies etc which could disadvantage employees with disabilities. This policy and procedure is intended to support those aims.

DISABILITY LEAVE

Disability leave is additional paid time off work which may be granted to employees with a disability for reasons related to their impairment.

In some cases employees with disabilities may from time to time require time off for a reason relating to their disability, for example to attend appointments or undergo treatment or rehabilitation.

The intention of this disability leave policy is to grant reasonable leave in such circumstances rather than have this time off recorded as either sick leave or annual leave. The leave granted would be considered as special leave under Part 2, paragraph 7.9 of the national agreement on pay and conditions of service (the 'Green Book').

Disability leave can be for short periods of time or longer periods and may or may not be pre-planned.

The Disability Discrimination Act 1995 requires employers to make reasonable adjustments to seek to remove disadvantages that employees with disabilities may face. Disability Leave is a "reasonable adjustment" under the Act and as such should be agreed for a specified reason.

This policy should be read in conjunction with:

- *[list any other relevant/ related policies and procedures]*

Examples of Disability Leave

(The list below is not intended to be definitive or exhaustive)

- Hospital, doctors or complementary medicine practitioners appointments
- Hospital appointments as an outpatient
- Hearing aid tests
- Training with a guide or hearing dog
- Counselling/therapeutic treatment
- Recovery time after a blood transfusion or dialysis treatment
- Physiotherapy

ELIGIBILITY

Any employee who is disabled within the meaning of the Disability Discrimination Act 1995 is eligible to apply for Disability Leave. That is, if they have a mental or physical impairment that has a substantial¹ and long-term² adverse effect on the person's ability to carry out normal day-to-day activities³.

Not every employee with a disability will find it necessary to seek disability leave.

SICK LEAVE AND DISABILITY LEAVE

Disability leave will usually relate to periods when an employee is well, but is absent from work for a reason related to their disability. Disability related sickness absence arises where the employee's sickness absence is related to their disability. Disability related sickness should be recorded as sickness absence in the normal way [*reference to council internal procedures*].

It is important that records can clearly distinguish between disability leave and sickness absence and that the two cannot be confused.

Reasonable adjustments for disability related sickness absence may be made as part of [*reference council procedure for managing sickness absence*].

AMOUNT OF DISABILITY LEAVE

There is no set amount of disability leave. The Council will consider all requests for leave on their merits and in view of the underpinning principle of making reasonable adjustments. The leave can be a 'block' of time or individual days.

Line managers receiving requests for disability leave should consult with Human Resources [*or council's occupational health arrangement*] should they require any advice.

PROCEDURE FOR REQUESTING DISABILITY LEAVE

[This part should contain the procedure to be followed by an employee to request disability leave. It is suggested that at a local level the parties may wish to consider making this procedure consistent with any other procedures for requesting non-standard forms of leave. This should also include clearly setting out:

- Who requests should be made to*
- Any time constraints*
- Information required in support of a request – amount of time requested, reason, any supporting information requirements etc*

The NIJC also strongly supports the principle of informal and confidential discussion between the employee and line manager regarding requirements for disability leave and that such informal discussion should be the means of agreeing time off in the majority of cases. A request should only be required in more formal terms where it is not practicable to deal with the matter informally, e.g. in complex cases, cases that may require medical or other specialist advice, where the line manager may not be minded to agree the request informally etc].

¹ means neither minor nor trivial

² means that the effect of the impairment has lasted or is likely to last for at least 12 months

³ include everyday things like *eating*, washing, walking and going shopping