

Disability Leave Procedure – Management Guidance

This guidance should be read in conjunction with the [Disability Leave Procedure](#)

The Disability Leave Procedure allows disabled colleagues to request agreed time off for planned disability-related appointments, treatment or recovery. This is a reasonable adjustment for disabled colleagues under the Equality Act 2010 and distinguishes ***planned*** disability related leave from general sickness absence.

Normally the annual maximum is 20 days (pro rata for part-time colleagues), though there may be exceptional circumstances where more can be agreed on a case-by-case basis.

Disabled colleagues should make a request approval by email (pending updates to the MyView system) to their manager for the leave in advance.

The procedure can be found [here](#).

To support managers in implementing this consistently, this supplementary manager guidance has also been developed.

The procedure seeks to balance the individual needs of the disabled employee, with the operational requirements of the University through reasonable adjustments for disabled colleagues.

FAQs

1. What is Disability Leave?

Disability Leave is agreed paid time away from work for disabled employees to attend pre-arranged treatment, rehabilitation or assessments related to their disability.

2. What would meet the definition of Disability Leave?

The following are some examples of disability related leave, but it is not an exhaustive list. All of these must be related directly to the employee's disability or long-term health condition, as shared with the relevant manager:

- hospital appointments, hospital treatment as an outpatient or specialist check-ups including monitoring of related equipment;
- assessment for conditions;
- specific training, for example with a guide or hearing dog, or in the use of specialist equipment where the training cannot be provided outside normal working hours;
- specific counselling or therapeutic treatment (including physiotherapy) related to the proactive management of their disability;
- a planned carer visit relating to the disability.

3. What would not meet the definition of Disability Leave?

- sickness absence related to a disability;
- administrative tasks related to the disability (such as completing forms or coordinating care); non-clinical or holistic therapies (unless prescribed by a GP, other medical specialist or Occupational Health).

4. How do I know if someone is disabled, or is eligible for the leave?

Any employee who is disabled under the definition contained within the Equality Act 2010 is potentially eligible for Disability Leave. Disability is defined by the Equality Act (2010) as individuals with a physical or mental impairment that has a 'substantial' and 'long-term' adverse effect on their ability to carry out normal day to day activities.

'Substantial' is more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed.

'Long-term' means 12 months or more.

To be eligible for consideration employees must inform their manager that they have a disability or long-term health condition which they believe brings the appointment within the scope of time off for Disability Leave.

5. How do I confirm that someone is eligible without asking intrusive questions?

Following the [Workplace Adjustments Toolkit](#) guidance, managers should work proactively and collaboratively with staff who have informed them they have a disability to put in place and review workplace adjustments that may be appropriate to support the disabled colleague.

The duty to provide adjustments begins once the University becomes aware that an individual has a disability or long-term condition and requires reasonable (workplace) adjustments to reduce or remove any barriers they are facing in employment.

Under the Equality Act 2010, employees are not obligated to disclose the medical condition or all of the aspects of it but some information regarding the disability and its impact may be necessary to ensure the most appropriate and effective adjustments and to inform supportive discussions.

Managers should make decisions equitably and sensitively avoiding unnecessary requests for medical evidence where a condition is already disclosed. If a manager believes that the employee may not be eligible, they should discuss this with their HR Business Partner before discussing with the employee. Managers should respond constructively and supportively where a staff member requires regular or substantial Disability Leave. This could include encouraging supportive check-ins, review existing workplace adjustments, or signpost to HR or Occupational Health to reinforce a culture of care by using internal mechanisms to recognise and respond to need, rather than defaulting to a punitive or compliance-led approach.

In any event managers should treat any information shared sensitively and in accordance with GDPR requirements.

In addition, Disability Leave will not be shared in references or otherwise.

6. What other eligibility criteria are there?

To be eligible for Disability Leave, the colleague making the request must be in work (i.e. not on sick leave) at the time of making the request and at the time of taking the Disability Leave. The time requested must be during a time when they would usually be at work.

7. What is a reasonable or workplace adjustment?

The Equality Act (2010) mandates that organisations have a duty to provide reasonable adjustments (workplace adjustments) for their disabled staff. For further information see the University's [Workplace Adjustment Toolkit](#) which sets out the University's responsibilities and approach to workplace adjustments.

(In addition, the duty to provide reasonable adjustments also extends to disabled students – please see further information here [Accessible and Inclusive Learning Code of Practice.](#))

8. What if I don't consider the request reasonable or otherwise can't accommodate it for operational reasons?

Requests for this leave should be sensitively considered and agreed on a case-by-case basis in accordance with the policy. If a proposed workplace adjustment is not considered 'reasonable' by the manager, advice must be sought from the HR Business Partner. The manager should consider alternative suggestions that would meet operational requirements.

9. What is the provision for part-time staff?

Part-time staff are eligible for a pro rata amount of Disability Leave. Managers should ensure that access to Disability Leave is not limited to part-time staff and should aim to be flexible in accommodating leave where working hours or patterns vary. The member of staff would be eligible to take Disability Leave during the times/days they would usually be working.

10. How much advance notice is needed for Disability Leave?

There is no prescribed amount of notice for staff to request Disability Leave, though in most circumstances managers should expect that staff notify them of any appointments as soon as is reasonable (i.e. as soon as practicable after they become aware of the date/time of the appointment).

There may be times when anticipated but short notice appointments become available (e.g. through a late cancellation), which should be accommodated where it is reasonable to do so.

11. How should sickness absence which is related to a disability be treated?

Disability Leave is distinct from sick leave.

Disability Leave does not apply to absence through sickness, whether it is related to a disability or not, which is determined by either self or medical certification. All sickness absence should be recorded in the usual way through MyView and certificated as required.

(In certain cases, workplace adjustments may be made in relation to the sickness absence of a disabled employee. Line managers may wish to contact their HR Business Partner for guidance on this point if required.)

12. What if the absence continues beyond the initial Disability Leave if, for example, the treatment requires recovery time, triggers a flare up of a condition or for other reasons?

Disability Leave may be used for planned disability-related needs such as treatment, rehabilitation or assessments related to disability. If the absence continues beyond the agreed period or becomes unplanned due to ill health, the remaining time may be recorded as sick leave in line with the Sickness Absence Policy. In some cases, other types of leave may be more appropriate depending on the circumstances. Staff and managers are encouraged to contact their HR Business Partner for advice. For further details, please refer to the [Sickness Absence Policy](#), [Carers' Leave Guidance](#), and the University's other [policies and guidance](#) for different types of absence from work.

13. What if an employee requests more than 20 days Disability Leave?

There may be circumstances where individuals request more than 20 days Disability Leave as a reasonable adjustment. These cases should be discussed with the HR Business Partner to explore the circumstances and ensure consistent decisions are made across the University

14. How is Disability Leave requested and recorded?

Pending updates to the MyView system, Disability Leave should be requested and agreed by email and a record kept by the line manager. Disability Leave should be requested and authorised through MyView once new functionality is available. Line managers should then also ensure that any Disability Leave already taken is also recorded in the MyView system.

15. Where can I get further advice?

[HR Business Partner](#)
[Workplace adjustment toolkit](#)
[EDI webpages](#)

16. How can I further develop my knowledge and understanding of disability and how to ensure disabled colleagues are best supported at work?

- Complete the new mandatory disability e-learning course on LearnUpon;
- Take advantage of any university/staff network run inclusion events;
- Review the [Workplace adjustment toolkit](#).

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