



UNIVERSITY
OF SUSSEX

Human Resources

Disability Leave Procedure

1. Overview and Purpose

- 1.1. The purpose of this procedure is to ensure that the employment opportunities of employees who are or become disabled is positively managed.
- 1.2. The procedure provides a framework to help balance the individual needs of the disabled employee, with the operational requirements of the University.
- 1.3. Disabled colleagues may take planned appointments related to their disability where requested and **approved in advance by their line manager**. Normally, the amount of leave that may be approved is a **maximum of 20 days** a year (1 October to 30 September), **pro rata for part time colleagues** depending on individual need (i.e. requests considered by the line manager on a case-by-case basis in the context of a workplace adjustment). However, in exceptional circumstances any application for more Disability Leave over the year may be considered. In these instances, the line manager should consult their HR Business Partner.

2. Context: Legislation and Definitions

- 2.1. It should be noted that throughout this document the phrase disabled colleague is used, informed by the [social model of disability](#). However, it is important to note that this term covers any colleague who falls within the relevant definition as included in the [Equality Act 2010](#).
- 2.2. Disability Leave applies to anyone who meets the Equality Act definition (including invisible or undiagnosed conditions). Self-identification with appropriate disclosure is valid.
- 2.3. Definition of Disability
 - 2.3.1. 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.
 - 2.3.2. '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.
 - 2.3.3. 'Long-term' means 12 months or more.
- 2.4. Reasonable Adjustments
 - 2.4.1. The Equality Act (2010) mandates that organisations have a duty to provide reasonable adjustments (workplace adjustments) for their disabled staff.
 - 2.4.2. Disability Leave is a workplace adjustment under the Equality Act. The [Workplace Adjustment Toolkit](#) sets out the University's responsibilities and approach to workplace adjustments.
- 2.5. 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.

3. Scope of Procedure

- 3.1. This procedure applies to all employees of the University of Sussex who are disabled under the definition contained within the Equality Act 2010 (see section 2).
- 3.2. This procedure covers the provision of paid time away from work for disabled employees who have pre-arranged treatment, rehabilitation or assessments related to their disability. Disability Leave is distinct from sick leave.
- 3.3. The following are some examples of disability related reasons, 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.
- 3.4. 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. The University has other types of leave which may be appropriate for other situations. 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.

4. Responsibilities

- 4.1. To be eligible for consideration under this procedure 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. Following the [Workplace Adjustments Toolkit](#) guidance, managers should work proactively and collaboratively with staff to put in place and review workplace adjustments that may be appropriate to support the disabled colleague.
- 4.2. Disabled employees who wish to request Disability Leave as a workplace adjustment will require the approval of their line manager in advance of taking any Disability Leave [see 5.4].
- 4.3. Requests for this leave will be sensitively considered and agreed on a case by case basis in accordance with this policy. If a proposed workplace adjustment is not considered 'reasonable' by the manager, advice must be sought from the HR Business Partner.
- 4.4. Employees should make their request for the Disability Leave as soon as practicable after receiving notification of the date/time of the appointment.

- 4.5. The University, managers and staff must ensure that all data will be treated in accordance with GDPR.
- 4.6. Managers should make decisions equitably and sensitively avoiding unnecessary requests for medical evidence where a condition is already disclosed. Seek HR advice if needed.
- 5. **Procedure**
 - 5.1. Disability Leave is approved paid time away from work for disabled employees who need treatment, rehabilitation or assessments related to their disability. This can be a reasonable (workplace) adjustment under the Equality Act.
 - 5.2. 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. As a separate matter, 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.
 - 5.3. 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 appointment must be taking place at a time they would usually be at work.
 - 5.4. Disabled employees who wish to request Disability Leave as a workplace adjustment should email* their line manager giving reasonable time to gain this approval [*note: use of email applies until the HR system 'MyView,' can be updated, at which stage 'MyView' must be used for requests].
 - 5.5. If you are concerned about a decision made regarding your request for Disability Leave, you are encouraged to discuss this with your manager or HR Business Partner (HRBP) in the first instance. Where appropriate, concerns may also be raised through the University's grievance procedure.

Review / Contacts / References	
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Related internal policies, procedures, guidance:	Workplace Adjustment Toolkit
Division:	Human Resources
Policy Owner:	Colin Shipp, Executive Director of HR
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