



Disability Leave Policy

Last Update: November 2019 (version 1.0)

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Document Control

Changes History

Version	Date	Amended by	Recipients	Purpose
1.0			All Plymouth CAST Staff	New Policy

Approvals

This policy requires the following approvals:

Board	Chair	CEO	Date Approved	Version	Date for Review
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	October 2019	1.0	September 2020

National/Local Policy

- This policy must be localised by Academies
 This policy must not be changed, it is a CAST Policy

Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement?

- Yes No If yes, the policy status is: Consulted and Approved Consulted and Not Approved Awaiting Consultation

Distribution

This draft document has been distributed to:

Position	Date	Version
All CAST Central employees, CAST Headteachers, CAST Directors, JCC	4 th November 2019	1.0

1. Vision and Values

- 1.1 Plymouth CAST is a multi-academy trust of Catholic schools which is part of the mission of the Catholic Church dedicated to human flourishing and the building of a kingdom of peace, truth and justice. The Trust is to be conducted in all aspects in accordance with canon law and the teachings of the Roman Catholic Church and at all times to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
- 1.2 Our vision and values are derived from our identity as a Catholic Trust. Central to our vision is the dignity of the human person, especially the most vulnerable. Our academies are dedicated to providing an education and formation where all our pupils and young people flourish in a safe, nurturing, enriching environment. All governors in our academies are expected to be familiar with the vision, mission, values and principles of the Trust and not in any way to undermine them. They should support and promote the vision and conduct themselves at all times in school and on school business according to the vision and principles of the Trust
- 1.3 Plymouth CAST expects all its employees to recognise their obligations to each school within the multi-academy trust, the public, pupils and other employees and to provide consistently high standards of education and performance at all times and in accordance with Plymouth CAST's vision, mission and principles.

2. Purpose

- 2.1. The purpose of this policy is to provide disabled employees with reasonable paid time off work for reasons related to their disability. It is not intended for use when an employee is not well enough to attend work – instead please see the Absence Management Policy.
- 2.2. This policy covers all disabled employees of Plymouth CAST and sets out what disability leave is available and the procedure for using it.
- 2.3. This policy complements, but is not restricted by other equal opportunities policies and agreements, including the Equal Opportunities Policy and Absence Management Policy.

3. General Principles

- 3.1. The skills and experience of disabled employees are highly valued and Plymouth CAST is committed to supporting disabled employees by removing access barriers, tackling discrimination they may face, and implementing best employment practice.
- 3.2. Plymouth CAST is committed to resolving any issues relating to disabled employees by negotiation and agreement where possible.
- 3.3. In accordance with the Equality Act 2010 Plymouth CAST will not discriminate against disabled employees, but will consider and accommodate all reasonable adjustment needs.

- 3.4. In accordance with the Equality Act 2010 Plymouth CAST will work actively to eliminate discrimination against and harassment of disabled people, promote positive attitudes to disabled people and encourage disabled people to participate in public life.

4. Responsibilities

- 4.1. The day to day operation of each Plymouth CAST school is the responsibility of the Headteacher, with support and challenge being provided by the Local Governing Board and this is discharged through each school's Senior Management Team. It is important that pupils, staff, parents and local stakeholders recognise and support this. However, ultimate accountability for Plymouth CAST as a whole Multi-Academy Trust rests with the Plymouth CAST Board. Therefore any decisions that have an impact on resources, such as staffing, structures, or compliance must be referred to the Plymouth CAST Board if they exceed delegated authority. This is essential to ensure that the legal obligations of Plymouth CAST are met and that the Trust maintains robust systems and processes that deliver effective governance.
- 4.2. It is the school Education and Standards Manager's (ESM's) responsibility to work closely with the Headteacher and management team to ensure everyone concerned has a full and accurate picture of each school's strengths and any areas for improvement. ESMs will work with schools to identify strategies for improvement, with support, where appropriate, from within the Plymouth CAST network.
- 4.3. It is the role of Plymouth CAST HR (and where appropriate, the school Business Manager) to provide clear HR policies, procedures and guidance, to support schools in the delivery of consistent and high standards of performance within a dignified working environment, in which all employees can take pride and enjoyment in their work.
- 4.4. Management and employee representatives who may be involved in the application of the Disability Leave Policy should be trained and competent for the task. They should be familiar with the provisions of the Disability Leave Policy, and know how to conduct or represent at formal meetings.
- 4.5. Plymouth CAST HR should be informed about matters which might lead to a formal procedure.
- 4.6. An employee has the right to request representation from their trade union or a work colleague at formal meetings. Employees are encouraged to contact their trade union representative at the earliest opportunity for guidance.

5. What is Disability Leave?

- 5.1. Disability leave is paid time off work for a reason related to someone's disability. It may be for a long or short period of time and may or may not be pre-planned.
- 5.2. The Equality Act states that the duty to make reasonable adjustments requires employers to take positive steps to ensure that disabled people can access and progress in employment. This goes beyond simply avoiding treating disabled workers, job applicants and potential job applicants unfavourably and means taking additional

steps to which non-disabled workers and applicants are not entitled.

- 5.3. Disability leave should be considered as a “reasonable adjustment” under the Equality Act, and is in accordance with good employment practice as recommended by the Equality and Human Rights Commission. Not all disabled employees will necessarily need to take disability leave.
- 5.4. Disability leave will not be included for the purposes of assessing performance, promotion, attendance, selection for redundancy, and similar issues. To do so might discriminate against the disabled employee.
- 5.5. There is no maximum duration of disability leave. With advice from Plymouth CAST HR and in consultation with the manager, the employee, their trade union representative and other relevant parties, such as the Trust’s Occupational Health provider, the length and frequency of disability leave may be anticipated.
- 5.6. In rare situations, it may become clear that the employee is not be able to return to their previous job. In this case other reasonable adjustments include re-designing the job, retraining and redeployment, will be considered. Where no other option is possible consideration may be given to ill health retirement.

6. Disability Leave Procedure

- 6.1 The effect of disability depends on the individual and their circumstances. To accommodate this requires some flexibility, so employees may take planned disability leave or unplanned disability leave, as appropriate.
- 6.2 Disability leave is one of a range of possible reasonable adjustments, also included are working from home and flexible working.
- 6.3 Where disability leave is needed, agreement must be reached on the approximate number of days and approximate date of the leave. This may not be exact, but will help in work planning and managing the needs of other staff.
- 6.4 Planned disability leave is agreed in advance. It may be a number of individual days each year that a disabled employee needs to take off. Typically this would be for treatment, rehabilitation or assessment related to their disability. It may also be a longer block of time needed for a specific reason, as indicated in 6.4.3.

6.4.1 The procedure for agreeing planned disability leave is as follows:

6.4.1.1 First stage

The disabled employee will meet with their manager on a confidential, individual basis and discuss what reasonable adjustments they need. Employees may choose to be accompanied by a union representative.

6.4.1.2 If agreement cannot be reached then the procedure goes on to the second stage.

6.4.1.3 Second stage

Further evidence and advice will be sought before a formal meeting.

Information will be sought to help determine what constitutes a reasonable adjustment in the specific circumstances. This may include some or all of:

- a GP or specialist's report (with the employee's consent)
- a report from Occupational Health (with the employee's consent)
- other information from the employee
- advice from Plymouth CAST HR
- consultation with a union representative
- advice from the Disability Employment Advisor at the local Job Centre Plus or another Department for Work and Pensions resource
- advice from specialist organisations with expertise in the field of the employee's particular impairment or condition.

6.4.1.4 A meeting will then be held, to include the employee, the manager, a representative from Plymouth CAST HR. The employee may choose to be accompanied by a trade union representative or work colleague. Documentation will be circulated to attendees prior to the meeting.

6.4.1.5 The following issues should be considered:

- is the employee disabled under the Equality Act 2010?
- the effectiveness of the proposed adjustment
- the practicability and cost of the proposed adjustment
- the resources of Plymouth CAST and other financial assistance available (for example, Access To Work funding)

6.4.1.6 The impairment itself (as opposed to its relationship with the work environment) should not be considered, as it may be discriminatory to do so.

6.4.1.7 If agreement cannot be reached then the employee has the option of using the Plymouth CAST grievance procedure.

6.4.2 Some examples of reasons for planned disability leave include (but are not limited to):

- hospital, doctors, or complementary medicine practitioners appointments
- hospital treatment as an outpatient
- assessment for such conditions as dyslexia
- hearing aid tests
- training with guide or hearing dog
- counselling/therapeutic treatment

- appointment time and recovery period relating to blood transfusion or dialysis treatment
- physiotherapy (sessional or residential)

6.4.3 A longer block of disability leave may also be appropriate. This could be for a newly disabled employee to make changes inside and outside of work; while physical or environmental adjustments are being made to an employees work environment; or if an employee has to undergo a more prolonged period of treatment, rehabilitation or recuperation.

6.4.4 Some examples of longer disability leave include (but are not limited to):

- a period of time off work while reasonable adjustments are made at work
- an operation, and recuperation and rehabilitation afterwards
- time while the employee is suffering from depression, stress, or mental illness
- a phased return to work or period of time off work for an employee who is newly disabled

6.5 Unplanned disability leave covers disability-related absences that may previously have been recorded as sick leave. Not to separate disability leave from sick leave may discriminate against disabled workers.

6.5.1 These will be recorded in the same way, but separate from the absence management procedure, and clearly identified as disability leave.

7. Review of Planned Disability Leave

- 7.1. Where disability leave is agreed, it will be reviewed on an annual basis to assist in planning. These reviews will be supportive, and will not be used to pressure employees into taking less disability leave than they need.
- 7.2. Employees who become disabled, or whose impairment or circumstances change, may request a review of their disability leave (or other reasonable adjustments) at any time.

8. Other Issues

8.1 If an employee is on disability leave for more than two weeks, their manager will brief them on their return to work of any changes that have occurred while they were off. In addition job advertisements, internal newsletters and similar information will be sent to them in an accessible format

8.2 Time spent on disability leave is counted as continuous service for all contractual benefits, including accruing annual leave, sick leave, pension rights and bonus.

8.3 Medical information about employees will be kept strictly confidential, unless they agree

to disclosure. Its use will conform to Data Protection regulations.

8.4 The amount and duration of planned and unplanned disability leave will be recorded when it is actually taken.

8.5 Appeals about the amount of disability leave allowed, on correctly following the procedure, or on other aspects of this policy will be dealt with under the Plymouth CAST grievance policy and procedure.

8.6 Abuse of the disability leave provisions is a serious matter, and will be dealt with under the Plymouth CAST disciplinary policy and procedure.

9. Right to be accompanied

9.1. Employees have the right to be accompanied by a trade union representative or work colleague at any formal meeting under this policy.

10. Review

10.1. The content of this policy and procedure may be subject to revision from time to time following consultation with the recognised trade unions.

10.2. History of changes

Date	Page	Details of the change	Agreed by

Policy to be reviewed by the Plymouth CAST Board in consultation with the JCC in (date) or when legislation changes or operational reasons arise.