

Arrangements for Special Leave and Time-off



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1. Introduction

The Council recognises that occasionally, employees may need to take time off from work to attend to unforeseen or urgent domestic, personal and family matters, as well as other agreed circumstances approved by CMT.

These provisions set out the principles to be followed in relation to the granting of paid or unpaid special leave of absence and the circumstances where this may be considered; this includes time off for the following:

- Ante-natal care for pregnant employees
- Compassionate reasons (bereavement/emergency care for dependants)
- Exam/study leave
- “Reasonable adjustments” (for disabled employees)
- “Public duties” (jury service, membership of public bodies, reservists) and volunteering

2. General

All employees must apply to their manager for time off via Oracle Self Service, (or the normal “process” where they do not have access to this), and are required to give as much notice as reasonably possible. Where applications are refused, the manager should notify the employee of this and the reason(s) why as soon as possible.

Employees are expected to arrange medical (dental, GP, hospital and opticians appointments) in their own time; where appointments can only be arranged during normal working hours, the employee must make up the hours or take these as sickness absence. Employees are not entitled to time off for other domestic appointments e.g. for home deliveries or repairs etc.

There are separate arrangements for ante-natal appointments and for reasonable adjustments to enable disabled employees to attend for medical screening etc, as detailed under “Special leave – Other Cases” below.

3. Special leave

Managers may approve up to 3 days or 21 hours absence (or up to 6 days or 42 hours for bereavement) * in any rolling 12 month period for compassionate reasons etc, as detailed in Table 1 (on pages 7-8). Any requests for absence in excess of this must be approved by the Divisional Director (or their equivalent) who will take into consideration:

- How much time is needed
- Any precedents across the Council , with advice from Human Resources
- The effect on service delivery and work colleagues
- The employee’s overall attendance record
- The employee’s outstanding annual leave balance (at the end of the leave year January to March), flexi-time credit or TOIL

* The limit of up to 3 days or 21 hours (or up to 6 days or 42 hours for bereavement) is the maximum for any employee (pro-rata for part-time employees), and is not a separate entitlement for each category in Table 1.

4. Special leave – other cases

In some cases, employees have a legal entitlement to time off from work and these will be exempted from the limits on special leave detailed in 3 above.

This specifically applies to time off for ante-natal care, and to look for other work when the employee has been issued notice of the termination of their employment due to redundancy. It also applies to disabled employees who are entitled to reasonable adjustments, which may include time off* to attend medical appointments and to assist with rehabilitation, as well as for cancer screening as detailed in Table 2 (on pages 9-10).

* It is not possible to give specific guidance as to how much time is allowed as each case must be treated on its merits. Managers must take advice from Human Resources where there are any queries or dispute in these cases.

5. Time-off for public duties, including “Employee Volunteering”

Employees will be allowed reasonable time off employee volunteering or to undertake public duties as follows.

Employee Volunteering

Up to 3 days paid leave a year for volunteering to meet learning objectives or contribute to corporate priorities, or the minimum requirement for schemes linked to Council/community initiatives* e.g. “Borough Beat” or ‘NEETs’.

* Employees must obtain the Group Manager’s prior approval before applying for any such schemes.

Jury service

Paid time-off as required to attend court when summoned for Jury Service.

Other public duties

Reasonable paid time-off for public duties where prior approval has been obtained from the Divisional Director (or their equivalent).

A summary of the arrangements for time-off for public duties and employee volunteering is provided at Table 3 (on pages 11-12).

6. Adoption, Caring, Maternity and Parental Leave

A summary of the adoption, caring, maternity and parental leave arrangements is provided at Table 4 (on pages 13-15).

7. Other Arrangements

A summary of other leave arrangements including career breaks is provided at Table 5, (on page 16).

8. Monitoring

Applications for special leave and time-off will be monitored and reviewed annually to ensure that the arrangements are applied fairly and consistently across the Council.

Employees who abuse the arrangements or who knowingly make a false, misleading or inaccurate claim for time off will be subject to disciplinary action.

9. Further Information

For further information and guidance, please see the following links.

Internal

Employee leave and approved absence, including maternity arrangements and on disability and employment.

<http://lbbdstaff/HR/Pages/Holidayleave.aspx>

<http://lbbdstaff/HR/Pages/equality.aspx>

External

The following websites offer more information on employment issues.

www.acas.org.uk

www.berr.gov.uk

<https://www.gov.uk/browse/working>

<https://www.gov.uk/government/topics/employment>

<https://www.gov.uk/government/organisations/department-for-work-pensions>

- i) Employment matters, including work and families

<https://www.gov.uk/browse/working>

<https://www.gov.uk/time-off-for-dependants>

- ii) Carers

<http://www.carersuk.org/>

- iii) Right to apply for flexible working

<https://www.gov.uk/flexible-working>

- iv) Time off for public duties

<https://www.gov.uk/time-off-work-public-duties>

Human Resources will automatically update the arrangements to comply with any changes to legislation and / or ACAS guidance and notify employees of the amendments.

Table 1: Special Leave

Managers may approve up to 3 days or 21 hours absence* or up to 6 days or 42 hours total where there is bereavement (pro-rata for part-time employees) in any rolling 12 month period for the following. * This is the maximum for any employee, not a separate entitlement for each category.

Any requests for absence in excess of the above e.g. to deal with the bereavement of more than one close family member during the rolling 12 month period, must be agreed by the Divisional Director (or their equivalent) who will take into consideration:

- How much time is needed
- Any precedents within the service
- The effect on service delivery and work colleagues
- The employee's overall attendance record
- The employee's outstanding annual leave balance (at the end of the leave year January to March), flexi-time credit or TOIL

Category			Paid / Unpaid	Terms and Conditions		Comments
General	Oracle Self-Service Heading			Amount	Conditions / Definitions	
	Absence Type	Absence Category				
Bereavement						
Funeral of close family member - Attending	Special Leave Paid	Personal	Paid	Up to 1 day (7 hours)	Limited to child, husband, wife, civil partner, co-habiting partner, parent, brother/sister, (or other dependant where the employee was the principal carer – See definition of “carer” at Appendix 1)	No change
Bereavement leave for close family members, including arranging the funeral	Special Leave Paid	Personal	Paid	Up to 5 days (35 hours)	Additional to time off to attend funeral above Limited to child, husband, wife, civil partner, co-habiting partner, parent, brother/sister, (or other t dependant where the employee was the principal carer – See definition of “carer” at Appendix 1)	Amended 2014
Bereavement leave for other relatives or work colleagues	Special Leave Paid	Personal Leave	Paid*	Up to 1 day (7 hours) as agreed with manager	To attend funeral of other relatives not covered by the definition of close family member e.g. “in-laws” and/or work colleagues	Amended 2014
			* Each case will be considered on it’s merits – managers have the right to treat this as unpaid leave			

Other	Special Leave Unpaid	Personal Leave	Unpaid	Up to 1 day (7 hours)	To attend funeral of any others not covered by the above	New 2014
Emergencies	Oracle Categories				Employees may also be able to apply for “Parental Leave” see Table 4	
Emergency time-off for dependants	Special Leave Paid	Family Leave	Paid/Unpaid	<p>*Up to 1 day (7 hours) paid and 1 day (7 hours) unpaid as agreed with manager i.e. maximum 2 days or 14 hours absence</p> <p>* paid time-off will only be allowed on the working day on which the emergency occurs and any additional time needed i.e. into a second day, taken as unpaid absence</p>	<p>For unforeseen emergencies involving dependants only i.e. to provide assistance in an emergency e.g. where a dependant falls ill, unexpected incidents involving the employee's child' during school hours or to make emergency arrangements for the provision of care or support -</p> <p>*To allow an employee to deal with the immediate problem (and to arrange alternative longer-term care where applicable) <i>where the employee's presence or attendance is crucial to resolving the problem</i> – paid time-off will only be allowed on the working day on which the emergency occurs and any additional time needed i.e. into a second day, taken as unpaid absence</p>	Amended 2102 Previously 2 days unpaid absence-
	Special Leave Unpaid	Family Leave		See above	This does not apply for situations that employees know about beforehand e.g. to accompany a child to a hospital appointment, (In those cases “parental leave may apply, see Table 4 on page 13)	
Exam/Study Leave	Oracle Categories					
Qualification - Exam Leave	Special Leave Paid	Professional Leave	Paid	Day or ½ day on which exam falls	Where agreed with manager/HR at time of applying for professional qualification courses – this will be confirmed in writing as part of the Learning Agreement	No change
Qualification - Study Leave	Special Leave Paid	Professional Leave	Paid	Up to 2 days (14 hours) per course		

Other personal reasons	Oracle Categories					
Personal - Divisional Director Approved (or their equivalent)	Special Leave Unpaid	Unpaid leave	Unpaid	Up to 3 days (21 hours)	<p>This must be approved by the Divisional Director (or their equivalent)</p> <p>It may include additional time-off to care for a dependant, study, observe non-statutory religious festivals, attend court as a witness* , or for elective surgery or counselling etc.</p> <p>*Employees will only be allowed paid time off when required to attend as a witness for the Council</p>	<p>Reviewed</p> <p>Flexibility to apply for more to the Divisional Director</p>

Table 2: Special Leave – Other Cases						
Category			Paid / Unpaid	Terms and Conditions		Comments
General	Oracle Self-Service Heading			Amount	Conditions / Definitions	
	Absence Type	Absence Category				
Ante-Natal						
Ante-Natal Care – Pregnant Employees	Special Leave Paid	Maternity	Paid	Period of appointment	Employee must produce appointment card/letter – for pregnant employees only not their partners	Statutory
			Note: Employees undergoing IVF treatment are legally regarded as “pregnant” when in vitro fertilised eggs are transferred/implanted and from then, entitled to paid time off for ante-natal care.			
Ante-Natal Care - Accompanying	Special Leave Unpaid	Maternity	Unpaid	Up to 2 appointments	<p>To accompany an expectant mother to her ante-natal appointment. The employee must be either:</p> <ul style="list-style-type: none">i) the baby’s fatherii) the expectant mother’s spouse, her civil partner, or partner (of either sex) in an enduring relationshipiii) intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child <p>Employee must confirm in writing the date and time of the appointment; that they qualify for the unpaid time off through their relationship with the mother or child; and the time-off is for the purpose of attending an ante-natal appointment with the expectant mother on the advice of a registered medical practitioner, nurse or mid-wife</p>	New statutory right from October 2014

Disability	Oracle Categories				See Appendix 1 for information on the definition of disability and what conditions are covered	
Access to Work Assessment	Special Leave Paid	Work	Paid	Period of appointment	To attend Access to Work (ATW) Assessment for reasonable adjustments	New 2012
Access to Work Training	Special Leave Paid	Work	Paid	As agreed as part of the ATW Assessment	To attend training agreed and funded by ATW for reasonable adjustments	
Awaiting Reasonable Adjustments	Special Leave Paid	Work	Paid* ₁	* ₁ Reasonable time as agreed with manager	Where employee cannot work as awaiting for agreed reasonable adjustments to be put in place – temporary home working may also be an option	New 2012
Disability – medical screening/tests	Special Leave Paid	Sickness	Paid	Period of appointment	Employee must produce appointment card/letter Applies to employees with a specific condition recognised a disability (See Appendix 1)	New 2012
Other medical treatment / rehabilitation	Special Leave Paid	Sickness	Paid* ₁	* ₁ Reasonable time as agreed with manager	Employee must produce appointment card/letter – to attend for treatment specific to disability e.g. chemotherapy and post operative recovery, or counselling	Also flexible hours / working
			* ₁ Each case will be considered on it's merits – managers have the right to treat this as sickness absence e.g. employees will not be allowed to take 2 weeks paid special leave for post operative recovery instead of certificated sickness absence			
Other reasonable adjustments	Special Leave Paid	Work	Unpaid / Paid	* ₂ Reasonable time as agreed with manager	Employee must produce appointment card/letter – to attend training for reasonable adjustments e.g. guide/hearing dogs	
	Special Leave Unpaid	Work				
			* ₂ Each case will be considered on it's merits, managers and employees should agree on a combination of annual leave/ flexi-time and paid absence – where agreement cannot be			
			Note: Advice must be obtained from Human Resources where there are any issues as to time off relating to disability that cannot be resolved at departmental level.			

Medical screening	Oracle Categories					
Medical Screening	Special Leave Paid	Sickness	Paid	* 1 Reasonable time as agreed with manager up to a maximum 3 appointments in any 12 month period	Employee must produce appointment card/letter – to attend screening for serious illnesses (heart or other conditions, organ transplants or strokes) and excludes: i) cancer*, disability, ante-natal screening and other appointments (as separate arrangements apply as detailed in Tables 1-5). * For time-off for cancer screening see “Disability” above / “Screening for cancer” below ii) dental, GP, opticians and routine hospital appointments e.g. check-ups. See Note below iii) accompanying children or adults to hospital or other medical appointments (as separate arrangements apply as detailed in Tables 1-5).	New 2014
				Note: Employees are expected to arrange medical (dental, GP, hospital and opticians appointments) in their own time; where appointments can only be arranged during normal working hours, they must make up the hours or take these as sickness absence. (Since 2008 as part of the arrangements for reducing “core working times”)		
			* 1 Each case will be considered on it's merits – managers have the right to treat this as sickness absence and may not approve time-off where the employee has flexi-time or annual leave or TOIL outstanding e.g. at the end of the annual leave year.			
Screening for cancer	Special Leave Paid	Sickness	Paid	Period of appointment	Employee must produce appointment card/letter	New 2014
Time off to look for work, (including job interviews)	Oracle Categories					
Time off to look for work	Special Leave Paid	Work	Paid	Maximum up to 2 days with pay - any extra time-off will be unpaid	Redundancy cases only i.e. to employees issued notice of the termination of employment due to redundancy and who will have 2 years service at the termination date .	Statutory entitlement is to reasonable time off but only 2/5's of a week as paid
	Special Leave Unpaid	Work			(Statutory entitlement is to reasonable time off but (paid time) is limited to two-fifths of a weeks pay.)	

Table 3: Time off for Public Duties – Employees must obtain GM or Divisional Director (or their equivalent) approval before applying for these schemes

Except where detailed, employees will be allowed up to 10 days or 70 hours absence (pro-rata for part-time employees) in any rolling 12 month period for the following. This is in total and not a separate entitlement for each category.

Category			Paid / Unpaid	Terms and Conditions		Comments
General	Oracle Self-Service Heading			Amount	Conditions / Definitions	
	Absence Type	Absence Category				
Employee Volunteering						
Volunteering	Special Leave Paid	Paid Leave	Paid* ¹	Up to 3 days per year	Must be linked to learning and development needs and/or the Council corporate objectives	No change
“Borough Beat”	Special Leave Paid	Paid Leave	Paid* ¹	Minimum requirement of the Scheme*	*Up to 4 weeks training and 1 day per fortnight	No change
Mentoring NEET’s	Special Leave Paid	Paid Leave	Paid* ¹	Minimum requirement of the Scheme		No change
			* ¹ GM Approval must be obtained before applying for any of these schemes			
			Note: These are the only recognised volunteering arrangements/schemes			
Jury Service	Oracle Categories					
Jury Service	Special Leave Paid	Jury Duty	Paid	Leave as necessary	Employees must notify their manager as soon as possible. They will continue to be paid their salary as normal on the basis they repay any allowances for loss of earnings that can be claimed from Court	No change
Public Duties	Oracle Categories					
Magistrates	Special Leave Paid	Representative Duties	Paid* ¹	Up to 10 days (or 20 x ½ days) per year	As agreed with the Divisional Director (or their equivalent)	Revised 2012
	Special Leave Unpaid	Representative Duties	Unpaid	Any additional time off in excess of 10 days (or 20 x ½ days) above		

Member of a public body	Special Leave Paid	Representative Duties	Paid* ¹	Up to 10 days per year	As agreed with the Divisional Director (or their equivalent)	Revised 2012
	Special Leave Unpaid	Representative Duties	Unpaid	Any additional time off in excess of 10 days above	(This includes Member of a local authority, statutory tribunal, police authority, board of prison visitors or a prison visiting committee, relevant education body).	
School Governor	Special Leave Paid	Representative Duties	Paid* ¹	Up to 10 days per year	To attend meetings or corporate training arranged by the Head of Governor Services during normal working hours	No change
	Special Leave Unpaid	Representative Duties	Unpaid	Any additional time off in excess of 10 days above		
			* ¹ Divisional Director (or their equivalent) approval must be obtained before applying for any of these schemes and employees must register these interests under the Code of Conduct. Any additional time-off (in excess of the 10 days) must be taken as unpaid leave.			
Service in non-regular forces	Oracle Categories					
Reserved Services	Special Leave	Professional Leave	Paid* ¹	Up to 2 weeks leave per year	To attend annual training/camp courses	No change
	Special Leave Unpaid	Professional Leave	Unpaid	Any additional time off in excess of 2 weeks above		
Reserved Services – Head of Service Approved	Special Leave Unpaid	Professional Leave	Unpaid* ¹	Leave as required for active duty	This must be approved by the Divisional Director	New 2012
			* ¹ Divisional Director (or their equivalent) approval must be obtained before applying for any of these schemes and employees must register these interests under the Code of Conduct			

Table 4: Adoption, Caring, Maternity and Parental Leave						
Category			Paid / Unpaid	Terms and Conditions		Comments
General	Oracle Self-Service Heading			Amount	Conditions / Definitions	
	Absence Type	Absence Category				
Adoption						
Adoption Leave			Paid/ unpaid	See “Adoption Arrangements”		New 2014
Adoptive Paternity Leave	Special Leave Paid	Additional Paternity Adoption	Paid	Up to 2 weeks	£138.18 per week, or 90% of average weekly earnings if this is less than £138.18 per week*. (*from 6 April 2014) See “Paternity Maternity Leave Support Provisions”	No change
Adoption Appointments	Special Leave Paid	Adoption	Paid *1	Up to 5 appointments* 2	Where employee is the primary adopter, to attend appointments set up by the local authority between the matching and placement of the child,*2 Employee must produce appointment card/letter and evidence that they are the primary adopter.	New 2014
	Special Leave Unpaid	Adoption	Unpaid* 1	Up to 2 appointments*2	Where employee is the secondary adopter, to attend appointments set up by the local authority between the matching and placement of the child,*2 Employee must produce appointment card/letter	
			*1 There is no statutory right to time-off (paid or unpaid). *2 Employees are not allowed time-off for adoption appointments after the child’s placement. See “Adoption Arrangements”			

Carers / Caring	Oracle Categories					
Carers Assessment (of adults over age 18)	Special Leave Paid	Personal Leave	Paid	Up to 1 day (7 hours) per year	For a local authority assessment of carers needs	New 2012
Care for Adult Dependant	Special Leave Unpaid	Personal Leave	Unpaid	Up to 1 week (35 hours) per year	To take a break from caring. For employees who have caring responsibility for a partner or, relative or another adult living at the same address	New 2012
	Special Leave Unpaid	Personal Leave	Unpaid	Up to 3 days (21 hours) per year	To care and look after the welfare of the adult for whom the employee has caring responsibility. This may include accompanying them to medical or other appointments. * * Employee must produce appointment card/letter	New 2014
Caring - Terminal / life threatening illness	Special Leave	Family Leave	Paid*1	Up to 1 week (35 hours) per year	Compassionate time off where the employee is the principal carer for a child, partner, close relative or other adult dependant Examples of illnesses include cancer, heart or other conditions, organ transplants, strokes, or critical accidents. If required, employee must produce medical evidence stating the seriousness of the illness or accident.	New 2012 Amended 2014 Previously up to 3 days for the serious / sudden illness or death or funeral of a near relative
	Special Leave Unpaid	Family Leave	Unpaid	Any additional time off in excess of 1 week (35 hours) above		
				*1 Each case will be considered on its merits – managers and employees may agree on a combination of annual leave/ flexi-time and paid absence – where agreement cannot be reached, managers have the right to treat this as sickness absence		
Maternity	Oracle Categories					
Ante-Natal				See Table 2: Special Leave – Other Cases		
Maternity Leave			Paid / Unpaid	See “Maternity Leave and Pay” Policy		No change

Maternity Support Leave	Special Leave Paid	Ordinary Paternity Birth	Paid	See “Paternity/Maternity Leave Support Provisions” for full details		
				1 week	£139.58 per week, or 90% of average weekly earnings if this is less than £139.58 per week*. (* from 6 April 2015)	
Paternity Leave	Special Leave Paid	Ordinary Paternity Birth	Paid*	See “Paternity/Maternity Leave Support Provisions” for full details		No change
				Up to 2 weeks	1 week full pay as Maternity Support Leave and 1 week at £139.58 per week, or 90% of average weekly earnings if this is less than £139.58 per week*. (* from 6 April 2015)	
Parental	Oracle Categories					
Parental Leave	Unpaid Leave	Family Leave	Unpaid	<p>18 weeks per parent per child or adopted child up to the child's 18th birthday.</p> <p>Normally taken in blocks of a week or multiples of a week*.</p>	<p>To care and look after the welfare of the child which may include accompanying child during stay in hospital.</p> <p>Employee must have more than 1 years service and be named on the child’s birth or adoption certificate and have parental responsibility. Does not apply to foster parent unless (unless they have secured parental responsibility through the courts)</p> <p>* limited to a maximum of 4 weeks per year.</p> <p>The parent taking leave must give 21 days’ notice.</p> <p>A ‘week’ equals the length of time an employee normally works over 7 days, e.g. If they work 3 days a week, one ‘week’ of parental leave equals 3 days. If they work irregular weeks the number of days in a ‘week’ is the total number of days they work a year divided by 52.</p>	<p>Updated in accordance with 2015 changes to statutory provisions</p> <p>“Parental Leave” Policy is under review</p>

Table 5: Other Arrangements						
Category			Paid / Unpaid	Terms and Conditions		Comments
General	Oracle Self-Service Heading			Amount	Conditions / Definitions	
	Absence Type	Absence Category				
Career breaks	Unpaid Leave	Other	Unpaid*	* See "Career Break Arrangements" for full details		
				Mininum3 months up to a maximum 12 months*	<p>This must be approved by the Divisional Director (or their equivalent)</p> <p>Where agreed subject to the operational needs of the service, a career break may be considered to:</p> <ul style="list-style-type: none">• care for children or other dependents;• undertake further education or unpaid career development training;• take an extended holiday;• fulfil other outside commitments e.g. volunteering or community work. <p>Employees must have completed 2 years continuous service with the Authority at the time of applying.</p>	New 2014

Appendix 1.

Definition of Carer (new September 2015)

The Care Act 2014, Part 1. 10 (3) defines a “carer” as an adult who provides or who intends to provide care for another adult (an “adult” needing care); but

“(9) An adult is not to be regarded as a carer if the adult provides or intends to provide care—

- (a) under or by virtue of a contract, or
- (b) as voluntary work.

(10) But in a case where the local authority considers that the relationship between the adult needing care and the adult providing or intending to provide care is such that it would be appropriate for the latter to be regarded as a carer, that adult is to be regarded as such (and subsection (9) is therefore to be ignored in that case).”

Definition of Disability

The Equality Act 2010 defines a disabled person as a person with ‘a physical or mental impairment which has a substantial and long term adverse effect on his ability to carry out normal day-to-day activities’. A disability can arise from a wide range of impairments which can be:

- sensory impairments, such as those affecting sight or hearing;
- impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalitis (ME)/chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy;
- progressive, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus (SLE);
- organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases, including thrombosis, stroke and heart disease;
- developmental, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia;
- learning difficulties;
- mental health conditions and mental illnesses, such as depression, schizophrenia, eating disorders, bipolar
- affective disorders, obsessive compulsive disorders, as well as personality disorders and some self-harming
- behaviour;
- produced by injury to the body or brain.

Some conditions are automatically covered by the Act i.e. a person with cancer, HIV Infection or multiple sclerosis (MS) is a disabled person and protected from the point of diagnosis. A person who is certified by a consultant as blind, severely sight impaired, sight impaired or partially sight impaired is also deemed to have a disability.

For further information, see the “Equality & Diversity in Employment” page on the HR Intranet site at:

<http://lbbdstaff/HR/Pages/equality.aspx>

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