

# Employer toolkit

Supporting employees with epilepsy in the workplace

## FAQs – With references

### Frequently asked questions

These are some of the most common questions we are asked on the Epilepsy Action Helpline.

#### **Should an employee/potential employee tell us about their epilepsy?**

It depends on their individual circumstances and whether their epilepsy is likely to affect them at work.

For more information see the [Recruitment](#) section.

#### **Do you have a risk assessment template for people with epilepsy at work?**

Yes. Or you could use the one you normally use for your employees and focus on how their epilepsy may affect them in the workplace. We have a checklist to help you consider issues that are specific to epilepsy.

For a risk assessment templates see the [Safety](#) section.

#### **Do you have a care plan template for employers?**

Yes. We have a template called a Seizure Action Plan. It can be used to record details about an employee's epilepsy and support needs. To help employees with thinking about key information about their epilepsy there is also a template called My Epilepsy for employees.

For the templates see the [Supporting employees](#) section.

## **I want my employee to get medical evidence/have an occupational health report before they return to work. Am I allowed to do that?**

Yes, but only if it's in the employee's contract and you would ask the same of any other employee who has been off sick. You cannot treat employees with epilepsy less favourably than any other employees. GPs and epilepsy specialist doctors don't provide medical evidence that someone's fit to return to work as an NHS service. If you need to find out if someone is fit to return to work, you will need to arrange and pay for it. <sup>1</sup>

For more about sickness absence, fit notes and return to see the [Issues in the workplace](#) section.

## **Can I dismiss someone who takes a lot of sick leave due to their epilepsy?**

It depends on how long they have been off sick and what your organisation's terms and conditions say.<sup>2</sup> As most employees with epilepsy will be classed as disabled, you must make reasonable adjustments to support them to return to work and do their job before considering dismissal. Your sick leave policy needs to be fair and transparent.

More information about [sickness absence and return to work](#).

## **My employee drives as part of their job and has now lost their licence. What are their rights?**

You should look at other ways they can travel for work. This might be using taxis or public transport. It might mean they become office-based and changes are made to their role. This could be a reasonable adjustment. If driving is a primary part of their job and you feel there is no other way they could travel, you may have the option to dismiss them.<sup>3</sup> But you must be able to justify your decision. Otherwise, it could be discrimination.

For more information see the [Reasonable adjustments](#) section.

## **What are their rights to sick pay while off work following a seizure?**

Employees off work following a seizure have the same rights as any other employee who has time-off sick. This could be statutory sick pay (SSP) or company sick pay (sometimes known as contractual sick pay).

For more information see the [Issues in the workplace](#) section.

## **Am I allowed to ask an employee about their health?**

You can if there is a valid reason for doing so.<sup>4</sup> An example would be asking someone if they could lift a certain weight if their role needed them to do that.

## Got a question?

Contact the Epilepsy Action Helpline and speak to one of our trained advisers. They can give confidential and tailored advice about all aspects of epilepsy at work.

Send the Helpline a message [helpline@epilepsy.org.uk](mailto:helpline@epilepsy.org.uk)

Call the Helpline 0800 800 5050

[Helpline opening hours](#)

## References

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<sup>1</sup> <https://www.nhs.uk/common-health-questions/caring-carers-and-long-term-conditions/can-i-go-back-to-work-before-the-end-date-on-my-fit-note/#:~:text=Do%20I%20need%20a%20note,you're%20fit%20for%20work> (Accessed online 18 December 2020)

<sup>2</sup> <https://www.gov.uk/dismissal/reasons-you-can-be-dismissed> (Accessed online 18 December 2020)

<sup>3</sup> <https://www.gov.uk/if-you-become-disabled/if-youre-in-employment-and-become-disabled#:~:text=Your%20employer%20cannot%20dismiss%20you,job%20even%20with%20reasonable%20adjustments>. (Accessed online 18 December 2020)

<sup>4</sup> <https://www.myerssolicitors.co.uk/asking-job-applicants-and-employees-about-their-health-how-to-stay-on-the-right-side-of-the-law/> (Accessed online 18 December 2020)

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## [employers.epilepsy.org.uk](https://employers.epilepsy.org.uk)

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