

Disability Policy

[QP1.10]

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This policy applies to all job applicants and employees at the Adam Smith College.

1.0 Policy Aim

This policy builds on the *Equal Opportunities Policy and Procedure* and outlines the College's commitment to providing an environment where disabled staff and students can maximise their potential, contribute to the best of their abilities and have equality of opportunity in recruitment, training and promotion within the Adam Smith College.

The College recognises that often the attitudes, behaviour and environmental barriers faced by disabled people face in society prohibit them from achieving equality and inclusion. It will therefore strive to identify the needs of disabled staff and students in consultation with them, provide appropriate support, reasonable adjustments to practices and premises, and raise awareness and understanding within the College of the issues surrounding disability.

2.0 Definition of a Disability

The Disability Discrimination Act 1995 (DDA) describes a disability as:

'A physical, or mental impairment which, has a substantial and long term adverse effect on (a persons) ability to carry out normal day-to-day activities'

1. 'Impairment' covers physical impairments and impairments affecting the senses such as sight and hearing. It also covers mental impairment, which is defined as resulting from or consisting of a mental illness (e.g. schizophrenia) or disorder (e.g. learning difficulties).
2. 'Substantial' is defined as 'more than minor or trivial'; 'long term adverse effect' is defined as lasting more than a year (12 months or more)
3. 'Normal day-to-day activities' are broken down into nine areas with examples:
 - mobility (difficulty going up or down a flight of stairs)
 - manual dexterity (pressing buttons on keyboards or keypads extremely slowly)
 - physical co-ordination (inability to place an object accurately without assistance or hard concentration)
 - continence (frequent minor incontinence)
 - ability to lift, carry or move everyday objects (inability to pick up everyday objects of moderate weight with one hand)

- speech, hearing or eyesight (taking longer to say things, inability to hear a clear conversation on the phone, total inability to distinguish colours or walk safely without bumping into things)
- ability to concentrate (inability to complete a task without assistance or confused behaviour)
- memory, ability to learn or understand (inability to remember names of familiar colleagues, customers, inability to adapt after thorough and persistent training)
- perception or the risk of physical danger (inability to operate properly maintained equipment safely through fear)

If a member of staff has an impairment which meets all three components of the definition outlined above, they will be covered by the DDA. This applies to both people who currently have a disability and those who have had a disability in the past.

2.1 Other Conditions covered by the Disability Discrimination Act

- Those deemed to be disabled within the meaning of the DDA are:
 - blind and partially sighted people
 - people with many types of cancer
 - people with HIV
 - people with multiple sclerosis
- Progressive conditions such as muscular dystrophy are covered by the DDA as evidence shows that their condition is likely to result in an impairment which will become substantial.
- Severe disfigurements are treated as impairments under the DDA. Once a person has shown they have a severe disfigurement e.g. skin disease, they are protected under the Act. This does not cover deliberate disfigurements such as piercing or tattoos.
- Conditions controlled by medication or special aids are also covered if the impairment would meet the definition if it were not controlled by medication. e.g. epilepsy, diabetes, or a person with an artificial limb. This definition does not apply to people who use glasses or contact lenses
- recurring conditions such as MS or arthritis are still covered by the DDA even when treatment leads to temporary remission.

2.2 Conditions not covered by the Disability Discrimination Act

Not all conditions are covered by the DDA, Advice can be sought from the HR team on those conditions not specifically covered in section 2.1.

3.0 Discrimination on the Grounds of a Disability

The Disability Discrimination Act 1995 makes it unlawful to discriminate against disabled people. Some types of discrimination can be justified but direct discrimination cannot.

Discrimination occurs when 'for a reason which relates to that person's disability, the disabled person is treated less favourably than a person to whom that reason does not apply'

Discrimination also occurs if:

- The College fails to make reasonable adjustments to the working arrangements or the physical features of the premises to accommodate a disabled person, and the failure to make reasonable adjustments cannot be justified.
- The individual suffers victimisation because he or she made a complaint under the Disability Discrimination Act.
- The individual suffers harassment because of their disability.

3.1 What can you do if you have been discriminated against?

If an employee or student believes that they have been treated less favourably on the grounds of their disability they can make a complaint in the following ways:

- Raise the issue with the relevant Line Manager and or/union representative. Students should contact their Curriculum Head, Learning Support or Guidance staff or use the Complaints Procedure.
- Contact a member of the HR team or the confidential counselling service provided by OHSAS.
- Raise a grievance through the *Grievance Policy and Procedure*
- *Consult the Harassment Policy and Procedure* which gives useful guidance for victims of harassment, bullying or victimisation.

The College does not tolerate discrimination, victimisation or harassment. Any such incidents will be considered possible grounds for disciplinary action, which may lead to dismissal.

4.0 Disclosure of Disability

As many disabilities are not obvious, the College relies on the staff member/student or applicant to make the disclosure about his or her own disability. It is recognised that individuals are often reluctant to do this, because they fear discrimination, and feel it is not relevant to their ability to do the job. However, with this information the College is better able to support the individual and make any reasonable adjustments necessary either for their interview, or in their work environment.

Disclosure can be beneficial for the following reasons:

- the stress of not divulging a disability can exacerbate the person's difficulties at work;
- the employee and manager can together determine what adjustments, if any, would maintain or improve working conditions; students should agree a Personal Learning Support Plan with one of the learning support staff.
- the support of fellow workers/students can be enlisted.

5.0 Confidentiality

Under the Data Protection Act 1998, it is imperative that we safeguard the confidentiality of personal and medical information. When a person's disability status is known, all unnecessary disclosures will be avoided. Disclosure will only occur:

- with the express consent of the individual;and/or
- when it helps to facilitate the person's ability to do the job;or
- if it is absolutely necessary within the law.

The applicant or employee will always be informed about the purposes for which the personal information will be used.

6.0 Recruitment and Selection

All staff involved in recruitment and selection must be aware of their responsibilities under the DDA. Practices are in place at the Adam Smith College to ensure people with disabilities are treated fairly and equitably throughout the recruitment process.

1. Recruitment and publicity materials for staff and students will be scrutinised and will be free from stereotyping and any form of discrimination.

2. Job descriptions and person specifications will be reviewed to ensure that the minimum criteria for the post is clear and relevant, and that unnecessary requirements do not unfairly exclude a disabled person who could do the job. e.g. 'Must have driver's licence', when driving is not necessary or core to the function of the post.
3. All candidates will be asked in their invite to interview letter whether or not they have any special needs or requirements for their interview and/or test.
4. All reasonable steps will be taken to ensure that the interview arrangements are such that disabled people may attend without difficulty.
5. Any candidate with a disability who meets the minimum criteria for a position will be invited to interview.
6. If an applicant has informed HR of a disability, advice may be sought from Occupational Health as to whether adjustments to work premises, practices or equipment may be needed to enable him/her to do the job. These issues should be discussed directly with the applicant at the point of interview.
7. All candidates will be assessed on their abilities, experience and suitability for the post according to objective criteria. Selection panels will be encouraged to assess how any disabled applicant can meet the requirements of the post, considering any reasonable adjustments which may be necessary or appropriate.

Student Recruitment

Criteria for students must be clear in line with the Admissions Policy. The application process ascertains if there are additional support needs and these are taken account of at interview. Arrangements to agree a Personal Learning Support Plan are made at this point so a plan is in place for the course of study.

7.0 Reasonable Adjustments

The College will make reasonable adjustments to the workplace and to employment arrangements to ensure that a disabled person is not at any disadvantage when compared with a non-disabled person or other disabled person.

Reasonable Adjustments may include:

- making adjustments to the premises e.g. widening a doorway for a wheelchair
- allocating some of the disabled person's duties to another person
- transferring the disabled person to fill an existing vacancy e.g. If through disability they can no longer carry out their existing job and no reasonable adjustments would enable him or her to do so, then suitable alternative posts can be considered
- altering the disabled person's working hours
- assigning the disabled person to a different place of work e.g. if a building is inaccessible
- allowing the person time off during working hours for rehabilitation or treatment
- arranging training for the disabled person
- acquiring or modifying equipment e.g. providing a specially adapted keyboard for a visually impaired person
- modifying instructions or reference manuals
- modifying procedures for testing or assessment e.g. for a person with restricted manual dexterity
- providing a reader or interpreter
- providing supervision

In all cases the person concerned must be consulted on the reasonable accommodation of his or her needs.

In order for an individual's needs to be clearly assessed, an individual may be requested to visit an Occupational Health Adviser, who will be able to advise HR and the Line Manager on reasonable adjustments and support for the individual to carry out their role.

Reasonable adjustments for students are outlined in the Disability Statement and are agreed in a Personal Learning Support Plan.

7.1 When is it reasonable to make adjustments?

Given the diverse nature of disabilities it is very difficult to generalise about when it is reasonable to make an adjustment. Each case will

depend on its own facts. Often it is possible to make effective adjustments which are of considerable benefit to disabled people at very little cost and with little or no disruption.

The factors which will need to be taken into account are:

- the extent to which the alteration will improve the situation for the disabled employee or job applicant
- the cost of the measures, both financial and in terms of disruption caused to others

Any proposal to make a reasonable adjustment should be discussed with a member of the HR Team who will take further advice from an Occupational Health Adviser.

Under the DDA an employer is allowed to undertake a form of cost benefit analysis when considering reasonable adjustments. There is no financial ceiling above which an adjustment would be considered unreasonable. Factors such as the size of the organisation, funds available etc will be taken into account.

In certain circumstances financial contribution is available from the Government's Access to Work Scheme.

8.0 Disability Arising During Employment (Staff)

Where an employee becomes disabled during the course of their employment, all reasonable steps will be taken to accommodate the effects of their impairment by making adjustments to their existing employment, or through appropriate retraining and redeployment, enabling them to remain in employment with the College whenever possible.

A member of the HR team will seek the involvement of the individual concerned, an Occupational Health Adviser, and/or other specialist agencies, in order to assess the effects of the impairment and explore possibilities for appropriate and practical adjustments. Adjustments such as those outlined in Section 7.0 may be considered.

Additionally the College may consider early retirement/resignation on ill-health grounds, or if after considering all other options, the employee cannot realistically continue in employment, then a decision to terminate the employment may be made. In such cases the employee will have the right of appeal.

The Line Manger will be responsible for monitoring any adjustments to the working environment or the continued effectiveness of any equipment, in consultation with the individual.

The College will endeavour to assist all employees who become disabled to make contact with appropriate organisations which may be able to provide information and continuing support.

9.0 Training, Induction and Support

Information and training is available through the Organisational Development Department, which runs regular Diversity Workshops. Managers who would like their team to attend (to increase their awareness of those with a disability) should speak to a member of the HR team or the Organisational Development unit. Online Equality and Diversity training will be undertaken by all staff.

The relevant Line Manager, in conjunction with a member of the HR team, will be responsible for discussing with disabled employees any individual needs they may have, such as additional induction requirements, particular equipment, or car parking, ensuring that support is provided on an ongoing basis, with regular assessment of whether needs are being met.

Disabled staff will not be disadvantaged in their opportunities for training and development. Where appropriate, specialist training will be made available in order to allow them to develop their skills and career opportunities.

10.0 Monitoring

We will review and revise, as appropriate, College systems, procedures, services and building projects to ensure compliance with legislation and that our Disability policy is fully embedded into our day-to-day functions.