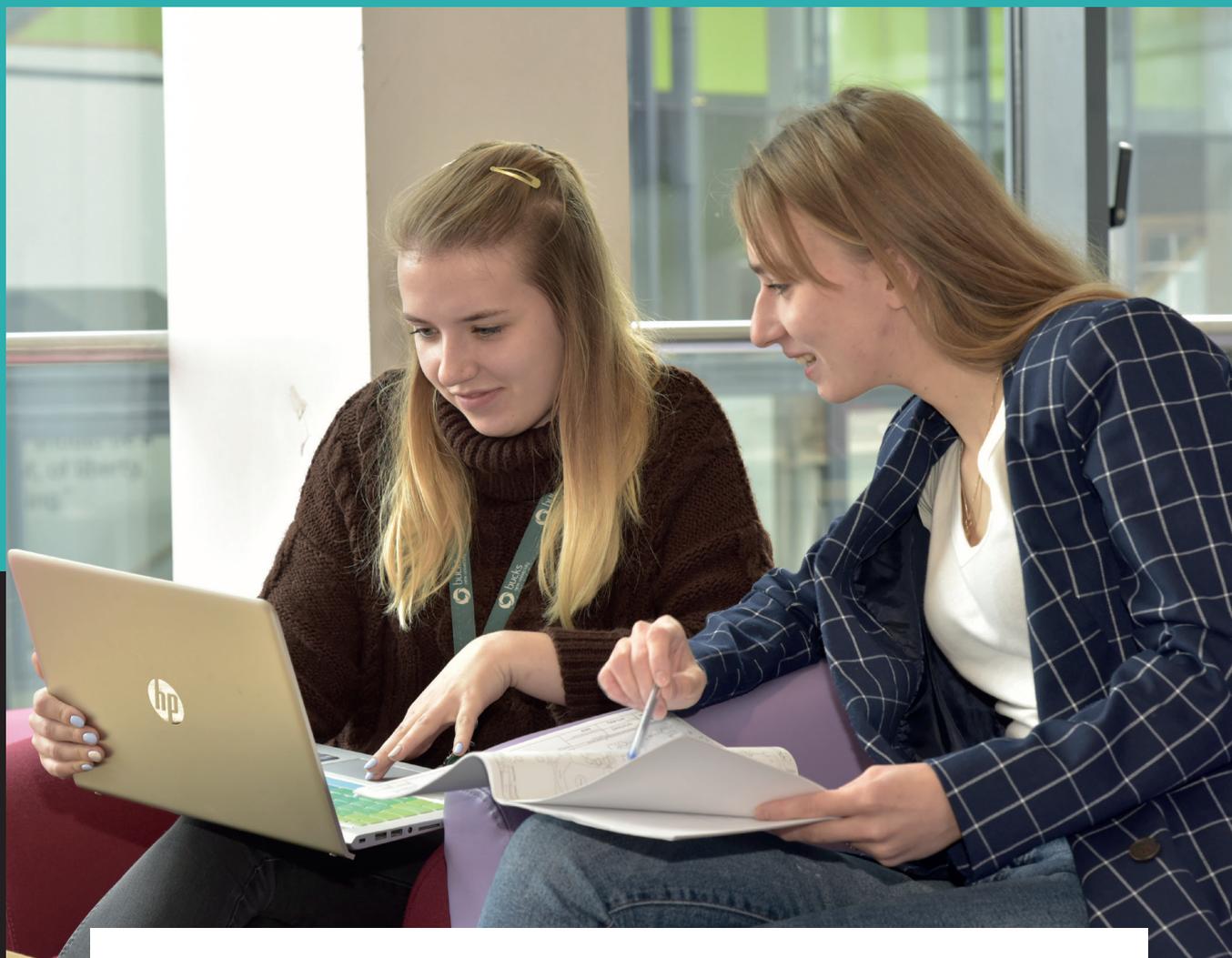




BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



STAFF DISABILITY POLICY

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Forms

[Reasonable Adjustments Agreement Form](#)

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Background

- 1 Bucks New University is committed to ensuring that all employees with a recognised disability, including dyslexia, are treated fairly under the Equality Act 2010. The Equality Act 2010 prohibits discrimination against people with the protected characteristics that are specified in section 4 of the Act. Disability is one of the specified protected characteristics. Protection from discrimination for disabled people applies to disabled people in a range of circumstances, covering the:
 - provision of goods
 - facilities and services
 - the exercise of public functions
 - premises
 - work
 - education, and associations.
- 2 Only those disabled people who are defined as disabled in accordance with section 6 of the Act, and the associated Schedules and regulations made under that section, will be entitled to the protection that the Act provides to disabled people. However, the Act also provides protection for non-disabled people who are subjected to direct discrimination or harassment because of their association with a disabled person or because they are wrongly perceived to be disabled. The Office for Disability Issues has produced [guidance on matters to be taken into account in determining questions relating to the definition of disability.](#)
- 3 The University has received the level two accreditation from **Disability Confident (see Appendix 1)** for being positive about disabled people and has signed the **Mindful Employer (see Appendix 2)** charter for employers who are positive about mental health. We would therefore always encourage the formal disclosure of a disability as it can bring about benefits to all.

Why disclosure is important

- 4 We are keen to create an environment where individuals can feel confident that when disclosing a disability, impairment, or medical condition to us, they would not be disadvantaged.
- 5 If employees or managers are uncertain as to whether a condition would be considered a disability the advice of the Equality & Diversity Manager should be sought. See Appendix 3 for a summary of disability definitions under the Equality Act 2010.
- 6 Many employees choose not to disclose their disability, sometimes for fear of discrimination, sometimes because they are able to manage their workload, or don't require any additional support. However, every individual's situation can change for a variety of reasons and this may impact on their decision or need to disclose.

Reasons for disclosure

- 7 Disclosure can occur at any time and the following factors are some of the reasons why individuals are encouraged to disclose:
- their personal circumstances may change, such as acquiring a disability or medical condition
 - they may experience a progression of their disability
 - they may feel more comfortable and confident about disclosing once an environment is familiar
 - they may be confident to disclose their disability knowing that it will not lead to discriminatory attitudes and actions
 - their job and conditions may have changed - e.g. moving to a new work location, agreeing to take on additional duties, a new manager and/or new colleagues, any of which may highlight issues in relation to a disability
 - they may identify a specific support that may not have been available when they commenced the job - e.g. new software or hardware
 - they may not be performing well in the job due to their disability and may need to explain the situation to their line manager.

Reasonable adjustments definition

- 8 The Equality and Human Rights Commission (EHRC) defines 'reasonable adjustments' as:

'Reasonable is what most people would agree is fair and sensible, when they think carefully about it. Adjustment means you are changing something. Reasonable adjustments are about responding sensitively to individual cases by taking account of the circumstances without necessarily setting precedents.'

- 9 The Equality Act 2010 allows us to treat some people more favourably than others, as far as this is allowed by UK and European anti-discrimination law. The general duty also explicitly recognises that disabled people's requirements may be different from those of non-disabled people. We are required to take account of disabled people's impairments and must make 'reasonable adjustments' for disabled people.
- 10 Reasonable adjustments are specific to an individual's circumstances and do not create a precedent. They are normally agreed between the individual, line manager and others as appropriate (such as: Access to Work, Equality & Diversity Manager, Health and Safety Manager, Human Resources, Occupational Health etc. as appropriate).
- 11 Changes only have to be made where you know or could reasonably be expected to know that an employee is a disabled person and is, or is likely to be, at a substantial disadvantage as a result. This means doing everything you can reasonably be expected to do to find out. For example - an employee's performance has recently got worse and the line manager checks, during a confidential meeting, whether the change in performance could be for a disability related reason.

Factors to be considered in determining ‘reasonableness’

12 The following factors are pivotal in establishing appropriate reasonable adjustments.

- an open-minded problem solving approach to making adjustments
- the disabled person’s views on what they need
- how effective the adjustment would be in overcoming the disadvantage
- how practical it is to make the adjustment
- the extent of any disruption to activities
- effects on other staff
- sustainability
- the financial and other costs incurred by the University.

Procedure for disclosure and the agreement of reasonable adjustments

13 Employees can arrange an informal meeting with the Equality & Diversity Manager to discuss the implications of disclosure before they are prepared to follow the formal disclosure process.

14 An employee can formally disclose by amending their personal details on the Employee Portal. The Equality & Diversity Manager will then contact the employee to arrange a meeting to discuss the barriers which the individual may have encountered in working life and what reasonable adjustments might need to be made.

15 Following the meeting with the Equality & Diversity Manager the employee may be asked to contact [Access to Work](#), (please check the [GOV.UK](#) site for up to date contact details) to see what other help and support they might be able to recommend.

16 Having received Access to Work recommendations another meeting will be arranged with the Equality & Diversity Manager and the line manager to discuss recommendations and agree appropriate ‘reasonable adjustments’.

17 The [reasonable adjustments individual agreement form](#) (kept separately) serves as a useful aid for all parties and establishes a formal review process. Whilst it is recommended that review should take place annually at the annual Professional Development Review (PDR) as part of our Disability Confident commitment the review can take place at any time, as requested by the line manager or employee.

18 Appendix 4 gives examples of some reasonable adjustments and two case studies.

New employees

19 It is expected that new employees will make a disclosure as part of the recruitment process thus enabling any reasonable adjustments to be put in place for interview. The procedures described in sections 14-16 will then be followed for successful candidates.

Appendix 1: Disability Confident Employer- Level Two



At Bucks New University we have achieved a level two in the Disability Confident scheme. To achieve this the University completed a self-assessment focusing on two themes:

1. Getting the right people for our business
2. Keeping and developing our people

As an employer we aim to:

- Promote a culture of being Disability Confident
- Provide a fully inclusive and accessible recruitment process
- Offer interviews to those who meet the minimum criteria for the job irrespective of any disability
- Support employees to manage their disabilities or health conditions
- Ensure there are no barriers to the development and progression of disabled staff
- Ensure employees have appropriate disability equality awareness

We do this by:

- Identifying and addressing any barriers that may prevent or deter disabled people from applying for jobs
- Making sure all processes both online and offline are fully accessible
- Providing an environment that is inclusive and accessible for all
- Providing support networks for staff
- Valuing and listening to feedback from disabled staff
- Proactively offering and making reasonable adjustments as required

Appendix 2: Mindful Employer



Charter for Employers Who Are Positive About Mental Health

As an employer we recognise that:

- People who have mental health issues may have experienced discrimination in recruitment and selection procedures. This may discourage them from seeking employment.
- Whilst some people will acknowledge their experience of mental health issues in a frank and open way, others fear that stigma will jeopardise their chances of getting a job.
- Given appropriate support, the vast majority of people who have experienced mental ill health continue to work successfully as do many with ongoing issues.

As an employer we aim to:

- Show a positive and enabling attitude to employees and job applicants with mental health issues. This will include positive statements in local recruitment literature.
- Ensure that all staff involved in recruitment and selection are briefed on mental health issues and The Equality Act 2010, and given appropriate interview skills.
- Make it clear in any recruitment or occupational health check that people who have experienced mental health issues will not be discriminated against and that disclosure of a mental health problem will enable both employee and employer to assess and provide the right level of support or adjustment.
- Not make assumptions that a person with a mental health problem will be more vulnerable to workplace stress or take more time off than any other employee or job applicant.
- Provide non-judgemental and proactive support to individual staff who experience mental health issues.
- Ensure all line managers have information and training about managing mental health in the workplace.

© MINDFUL EMPLOYER

Appendix 3: Disability Definition under the Equality Act 2010

- 1 The Office for Disability Issues has produced [guidance on matters to be taken into account in determining questions relating to the definition of disability](#) and further information can be found in this document.
- 2 In order to be protected by the Act, a person must have an impairment that meets the Act's definition of disability, or be able to establish that any less favourable treatment or harassment is because of another person's disability or because of a perceived disability.
- 3 A person is a disabled person (someone who has the protected characteristic of disability) if they have a physical and/or mental impairment which has, what the law calls 'a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'.
- 4 There is no requirement for an employee to have a medically diagnosed cause for their impairment; what matters is the effect of the impairment, not the cause.
- 5 In relation to impairment:
 - conditions that affect the body such as arthritis, hearing or sight impairment (unless this is correctable by glasses or contact lenses), diabetes, asthma, epilepsy, conditions such as HIV infection, cancer and multiple sclerosis, as well as loss of limbs or the use of limbs are covered.
 - HIV infection, cancer and multiple sclerosis are covered from the point of diagnosis.
 - severe disfigurement (such as scarring) is covered even if it has no physical impact on the person with the disfigurement, provided the long-term requirement is met (see below).
 - people who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist, are automatically treated as disabled under the Act.
 - mental impairment includes conditions such as dyslexia and autism as well as learning disabilities such as Down's syndrome and mental health conditions such as depression and schizophrenia.
- 6 The other tests to apply to decide if someone has the protected characteristic of disability are:
 - the length the effect of the condition has lasted or will continue: it must be long term. 'Long term' means that an impairment is likely to last for the rest of the person's life, or has lasted at least 12 months or where the total period for which it lasts is likely to be at least 12 months. If the person no longer has the condition but it is likely to recur or if the person no longer has the condition, they will be considered to be a disabled person
 - whether the effect of the impairment is to make it more difficult and/or time-consuming for a person to carry out an activity compared to someone who does not have the impairment, and this causes more than minor or trivial inconvenience, if the activities that are made more difficult are 'normal day-to-day activities' at work or at home

- whether the condition has this impact without taking into account the effect of any medication the person is taking or any aids or assistance or adaptations they have, like a wheelchair, walking stick, assistance dog or special software on their computer. The exception to this is the wearing of glasses or contact lenses where it is the effect while the person is wearing the glasses or contact lenses, which is taken into account.

For example:

Someone who has ADHD might be considered to have a disability even if their medication controls their condition so well that they rarely experience any symptoms, if without the medication the ADHD would have long-term adverse effects.

- 7 Progressive conditions and those with fluctuating or recurring effects are included, such as depression, provided they meet the test of having a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

Appendix 4: Examples of reasonable adjustments and Bucks case studies

1 Reasonable adjustments have included some of the following, but this list is not exhaustive:

- Acquiring or modifying equipment – for example, providing a specially adapted keyboard for a visually impaired person or someone with arthritis
- altering the disabled person’s working hours – for example allowing the disabled person to work flexible hours to enable additional breaks to overcome fatigue
- timetabling adjustments – for example ensuring that an employee with a mobility disability is timetabled into the rooms nearest to their office to reduce walking
- providing hearing support – such as a palantypist, or sign interpreter
- allowing the disabled person to be absent during working hours for assessment or treatment – for example to attend hospital appointments in relation to their disability

Bucks case studies

2 Employee with a Specific Learning Difficulty (SpLD):

“After a disappointing PDR, I felt the need to disclose my disability as I felt it had affected my performance negatively. My line manager and my supervisor were very supportive, and I was put in touch with the Equality & Diversity Manager, who explained the process for disclosure and reasonable adjustments. I was referred to Access to Work for an independent assessment. The Assessor listened carefully to all the difficulties I was facing and recommended several solutions- which ranged from a very simple change of desk position, to personal coaching and equipment to assist me in my day to day work. The coaching was invaluable and has made me feel much more confident in my abilities by focusing on my strengths, and using those to overcome my weaknesses. My performance in my role has greatly improved thanks to everyone involved in the process and I would strongly urge anyone in a similar position to make the most of the support on offer.”

3 Employee with a mobility disability:

“I have an autoimmune disease called scleroderma, which affects all connective tissues, and causes pain and swelling in my joints. I was finding typing increasingly difficult to do, as it was becoming really painful, and as this is a key part of my role, I was very worried about how I would be able to continue my job. After speaking to the Equality & Diversity manager about reasonable adjustments, I contacted Access to Work. They came out to my office within two weeks of my first phone call, and did a full needs assessment of my office set up. This was followed by a very detailed report, which included recommendations for installation of, and training for Dragon Hands-Free Software (voice recognition software), as well as ergonomic equipment, stationery and furniture. This adjustment/support has enabled me to use my computer fully, but with minimum use of my hands. My job includes a great deal of computer work every day, including reports, spreadsheets, emails and feedback to students. Now I can do all of this using Dragon, it’s made such a

positive change - enabling me to work at full capacity. I cannot emphasise enough how much this adjustment has improved my ability to work effectively”.