

Guidance: Disability

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The latest version of this document is always to be found at:

<https://policies.docstore.port.ac.uk/policy-178.pdf>

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There are a number of Human Resource policies and procedures that can be accessed at

<https://staff.port.ac.uk/departments/services/humanresources/hra-z/>

In support of these, HR produces a series of guidance on a range of topics – such as this one – to provide employees with simple, accessible, up-to-date information. Should you have any queries or require any further information, please email the HR Service Centre on hrenquiries@port.ac.uk or contact them on 023 9284 3141 .

Peter Brook
Director of Human Resources

Guidance: Disability

Summary

What is this Guidance about?

This Guidance sets out the process for putting in place appropriate adjustments for staff with disabilities.

Who is this Guidance for?

All staff and managers.

How does the University check this Guidance is followed?

There will be a three year review. It will also be reviewed and monitored informally through Human Resources when the team are guiding managers and staff through the process.

Who can you contact if you have any queries about this Guidance?

Human Resources (HR) via hrenquiries@port.ac.uk.

Occupational Health (OH) on +44 (0)23 9284 3187.

Equality and Diversity Office via equality@port.ac.uk.

1. Introduction

The University of Portsmouth is committed to maintaining a culture and environment where everyone is treated with fairness and respect and enabled to progress according to their individual merits, abilities and potential where all candidates and staff feel supported and valued. These principles are embedded throughout this document.

The University will provide support for candidates and staff with disabilities as appropriate, with the assistance of external agencies where appropriate, to enable them to work effectively.

The following Guidance has been produced to support managers in ensuring staff with disabilities can perform their role and make a full contribution to the University. This Guidance is intended to support managers in working effectively with candidates and staff with disabilities.

It is important to recognise that this is a guide and that the information contained within it is not exhaustive and that in some circumstances expert advice may need to be sought.

This Guidance relies on candidates and staff making known any disabilities and recognises this may not feel comfortable. However, this Guidance, good practice and the Law all provide assurances about confidentiality. Please see sections 5 and 6 (below).

All managers are encouraged to manage their teams in an inclusive way, which takes account of individual differences with the aim of giving a team member the confidence to disclose a disability.

Good management practices should be used towards all candidates and staff based on fairness, transparency and flexibility. Candidates and staff who have disabilities have the same needs as any others. They may also need additional support or 'reasonable adjustments' to enable them to work efficiently. This Guidance covers some of the additional matters you may need to consider.

Every person is different. Managers are expected to engage in a genuine dialogue with individuals to find out what they need to succeed in their work role. Often this will be a process of learning and experimentation. Advice is available from the Occupational Health Advisers and external sources. Managers are not expected to be an expert on disability, but should be willing to learn what the issues are for an individual, and what support would be effective. Staff with disabilities say that having a manager who is prepared to listen is the biggest help. It is important to establish a good relationship with a member of staff with disabilities so they may trust you and be willing to be open with you.

2. What is a disability?

Under the Equality Act 2010, disability is defined as:

‘A person has a disability if they have a mental or physical impairment that has a substantial and long-term adverse effect on the person’s ability to carry out normal day-to-day activities.’

For the purposes of the Act:

‘Substantial’ – means neither minor or trivial .

‘Long-term’ – means that the effect of the impairment has lasted or is likely to last for at least 12 months .

‘Normal day-to-day activities’ – includes everyday things like eating, washing, walking, and going shopping .

Fuller details of these definitions is contained in the Office for Disability Issues Equality Act Guidance Section A–D at <http://odi.dwp.gov.uk/docs/wor/new/ea-guide.pdf> .

It is important to distinguish disability from sickness . People with disabilities are generally as healthy as non-disabled people and their absences from work due to sickness are usually for similar reasons such as colds or flu . Advice can be sought from Occupational Health on whether an individual is likely to be covered by the Equality Act 2010 .

3. Disclosing a disability

The University is seeking to promote a culture where members of staff feel comfortable about disclosing a disability . This means creating an environment where individuals with disabilities are confident that their declaration will be dealt with sensitively and that they will receive any support they need .

A manager may become aware of a disability in a number of ways, including:

- during the recruitment and selection process
- being informed by the individual
- at the time of changes to an individual’s role or through transfer/promotion/relocation
- through the management of poor performance or sickness absence
- in advice from the Occupational Health, managers will not necessarily know that a member of staff or candidate is disabled when they begin working for the University . Individuals may become disabled during their employment . If you notice an individual has started to experience difficulties in performing their duties, or is experiencing difficulty in their work you may need to explore whether their health may be impacting their performance or whether a disability may have recently come to light . If this occurs, you should refer the member of staff to Occupational Health requesting advice on whether support or adjustments are recommended .

4. Reasonable adjustments

The University is legally required to make reasonable adjustments for a person with disabilities to enable them to carry out their work . Many adjustments can be made at little or no cost, and funding may be available from Access to Work . Whether adjustments are reasonable will depend on needs of individuals and the requirements of the role .

Some examples of reasonable adjustments are:

- work duties, e.g. considering re-assigning minor duties or tasks
- work schedule, e.g. considering earlier/later start and finish times
- location of the role, e.g. considering different office location closer to accessible parking or on the ground floor
- work grouping, e.g. inclusion in a team setting where initially a role was to be located in an independent setting, or vice versa
- office environment changes to the lighting, temperature, floor covering, décor
- furniture, e.g. a different desk
- equipment, e.g. modifications to existing equipment or providing alternative assistive technology (see section 12)
- disability-specific training
- ensure arrangements are in place to monitor that any adjustments made remain suitable (disability may not be a static condition and staff may experience changes to their disability or to their job role which might require different/additional adjustments)
- record any requested/agreed support requirements/adjustments locally and with HR/Occupational Health
- ensure that adjustments have been considered before monitoring the individual’s performance during their probation period and on an ongoing basis .

5. Roles and responsibilities

5.1 The employee will:

- let their managers know if they believe they need adjustments
- participate in referral to Occupational Health and the reasonable adjustment process
- pursue any agreed actions
- inform their manager should there be any problems they experience in the implementation of adjustments
- keep their manager informed of any changes to their health that impacts on their ability to do their job .

5.2 The manager will:

- promote a climate of trust, to encourage candidates and staff to feel comfortable in disclosing a disability
- ensure that candidates and staff with disabilities are aware of possible support to enable them to work effectively
- be aware of any impact of health where an individual appears to be experiencing difficulty with their work role and refer to Occupational Health for advice
- implement appropriate adjustments (see Annex A, Flowchart of procedure . NB: Purchase of assistive technologies should be flagged as high impact and urgent to Information Services (IS))
- inform Occupational Health of implementation of adjustments that have been recommended
- monitor and refer back to Occupational Health where changes to adjustments may be required
- keep records of any adjustments agreed .

5.3 Occupational Health will:

- provide advice, guidance and support as appropriate to all parties involved in this procedure
- provide advice on appropriate equipment and software required
- liaise with Academic Skills and Disability Advice Centre (ASDAC) as appropriate for support .

5.4 HR will:

- provide advice to managers
- provide advice on the referral process to Occupational Health and the reasonable adjustment process
- provide advice to candidates and staff .

5.5 IS will:

- prioritise adjustments for staff needing IS support or equipment via the IS Service Desk (jobs should be flagged by managers as high impact and urgent when contacting IS)
- provide advice on compatibility of recommended equipment or software
- purchase recommended software and equipment which will be charged to local budgets
- ensure equipment is appropriately installed in a timely manner
- keep managers and individuals informed of progress in providing IS support .

5.6 Equality and Diversity Office will:

- provide general advice and guidance to managers, candidates and staff on all aspects of disability in relation to the requirements of the Equality Act 2010 .

6. Confidentiality of information

6.1 Seeking permission to share information about disability

Disclosure by a candidate or a member of staff that they have a disability and information on the nature of that disability must be treated as sensitive personal data covered by the University's Data Protection Policy . Confidentiality is vital in managing and supporting candidates and staff with disabilities . Managers should not discuss a person's disability with others unless they have secured the candidate or member of staff's consent . The sole exception to this is where there is good reason to believe that the safety of the candidate or member of staff, or another person, may be endangered unless information is shared so that, for example, specialist advice can be sought .

When a manager becomes aware that a candidate or member of staff has a disability, whether or not adjustments in the workplace need to be made, they should:

- discuss with the candidates and staff member who within the University can/should be made aware of the disability and get their agreement to share information if necessary;
- encourage the individual to update their personal equality data through logging into Employee Self Service and updating their employee status so that the University's statistical data is accurate. They can also email the amendment to HR Enquiries.

Discussion should always focus on reasonable adjustments, rather than on the detail of someone's medical condition.

6.2 Partial disclosure

It is important to take into account that a member of staff with disabilities may not initially want to discuss their disability in detail with their line manager. In such circumstances individuals should be referred to Occupational Health. If adjustments are needed it will not always be necessary for the cause of the need for adjustments (i.e. the nature of the disability) to be disclosed to other parties.

6.3 Refusal of consent

If a candidate or member of staff withholds consent to inform or has not informed the University it is not then reasonable for the University to know that the candidate or member of staff has a disability. Where this is the case, it is not reasonable to consider the University liable for failure to make reasonable adjustments.

7. Recruitment

7.1 Compulsory recruitment and selection training

It is compulsory to have a trained interviewer who has undertaken the recruitment and selection training for every recruitment process. The process of recruitment should follow the Recruitment and Selection Policy.

7.2 Applications in alternative formats

All applications for vacant positions are completed online. In the case of an internal applicant who has a disability and needs assistance in completing an application, a member of the recruitment team will complete the application form with the applicant. External applicants who have a disability, are referred to Jobcentre Plus (www.jobcentreguide.co.uk) or Scope (www.scope.org.uk/support/services/work/employment-service/information-disabled-job-seekers) where assistance is provided.

7.3 Reasonable adjustments at interview

Candidates are asked whether they require adjustment to the recruitment process when they are invited to interview. The University is required to make reasonable adjustments that may be required.

Adjustments may be requested by the individual, such as a wheelchair-accessible interview room or the presence of a British Sign Language interpreter.

Adjustments may also be initiated by the recruiting manager, such as adjustments to the style of questioning and the approach of the interviewing panel. Advice can be sought from Occupational Health.

8. Access to Work

Access to Work (AtW) is a government funded scheme which provides advice and practical support to disabled people in or about to start paid employment. It is designed to meet the additional employment costs resulting from disability in order to allow disabled people to compete on an equal basis with non-disabled colleagues.

The type of support or funding available (depending on circumstances) may include:

- an initial work-based assessment
- special aids, equipment and software
- adaptations to equipment
- training in the use of any specialist equipment or software
- travel to work and travel in work
- a wide variety of support workers.

Early involvement of Access to Work is important as they will consider paying grants of up to 100% for people who have been working for less than six weeks with the University.

Individuals are responsible for applying for support or funding from Access to Work. Advice can be sought from Occupational Health on referral by their line manager.

9. Pre-arrival support

Managers should ensure support is in place before a new member of staff with a disability begins work to ensure they can work effectively from the outset.

- Managers should advise individuals of the support available through Human Resources, the Employee Assistance Programme and Occupational Health.
- Managers should contact an individual with support needs before they start work, to ensure that reasonable adjustments are in place from the start of their employment. It is important to involve Occupational Health in this as they provide advice to individuals on how to access support through Access to Work where appropriate and provide recommendations to the manager for reasonable adjustments.
- All new starters are required to complete the 'Employee Work Health Questionnaire' which is assessed by Occupational Health and any concerns will be discussed with the member of staff and guidance provided to managers as appropriate.

10. Induction

10.1 Discussing reasonable adjustments

If the need for adjustment becomes apparent after the member of staff has started, managers should have a discussion as soon as possible to ensure appropriate adjustments can be put in place.

More practically 100% grants from AtW for special aids and adaptations are only available to support employees who have been with an organisation for less than six weeks when an application is made.

Managers and staff can obtain advice, guidance and support from Occupational Health.

When meeting with a disabled staff member to discuss support, managers should:

- ask whether the staff member is affected by their disability in the workplace and if they would benefit from any adjustments to their working arrangements;
- ensure they are aware of support available (internally and externally);
- emphasise that disabled staff are treated fairly when disclosing a disability and requesting any assistance;
- make certain they have the tools they need to perform their duties, including any assistive technology required;
- record any requested/agreed support requirements/adjustments locally and with HR/Occupational Health;
- agree how support will be monitored and adjusted to ensure it continues to meet the staff member's needs. Disability may not be a static condition and employees may experience changes to their disability which might require different/additional adjustments.

10.2 Emergency evacuation

Managers should ensure that new employees know how to leave the building in case of fire and emergency. Individuals with disabilities which may hinder their evacuation in an emergency situation must have a personal emergency evacuation plan (PEEP) in place. Details can be found on the Health and Safety webpages. A PEEP should be reviewed on a regular basis.

10.3 Adjustments to the induction process

Managers should consider whether the new member of staff would benefit from any adjustments to the standard induction programme, e.g. a gentler pace, changes to the method of delivery of information and arrange any necessary training on assistive equipment and software.

- Ensure that induction covers any unwritten team practices, such as making drinks for others, since these may not be obvious to some disabled people.
- Consider how to support the team in developing good working relationships with the new colleague.
- Agree with the employee what information they give permission to share with colleagues, and discuss what would be helpful, e.g. for disability-related reasons someone may find emails easier than phone calls.
- Appointing a workplace buddy for day-to-day queries may be helpful.

11. Absence

11.1 Recording sickness and disability-related leave

Time off may be given for disability-related reasons, such as attending a rehabilitation session. Please consult the disability leave guidance available at www.port.ac.uk/departments/services/humanresources/occupationalhealthservice/sicknessabsence/filetodownload,179998,en.pdf.

11.2 Annual leave

Managers are encouraged to be flexible about annual leave arrangements if there are disability-related reasons why a member of staff wishes to take leave with little advance warning.

12. Assistive technology

Some individuals with disabilities may need assistive technology and software to enable them to work effectively.

Occupational Health will advise on the type of equipment and/or technical support which may be required. A referral to Occupational Health is required so that necessary advice can be given. Managers should refer staff members to Occupational Health who will then meet with the staff member and discuss different options. IS will purchase the recommended technologies, ensuring compatibility, timely installation and setup. Managers should contact IS via the IS Helpdesk and jobs should be marked as high impact and urgent so they are flagged to IS as a priority.

Funding for assistive technology and software may be available through Access to Work. They may also contribute to the cost of training and any customisation that needs to be done to meet the demands of an individual job role. Assistive technologies and software not funded through Access to Work should be funded through local departmental budgets.

Voice recognition software training is provided by ASDAC in DCQE on referral from Occupational Health.

Alternatively internal support may be available through ASDAC on referral through Occupational Health.

13. Employees who become disabled

13.1 Assessment and adjustments

Staff may become disabled during their employment at the University. The definition of disability encompasses people with cancer, HIV, multiple sclerosis and heart conditions and people who have a hearing or sight impairment or a significant mobility difficulty. It also includes people with less evident disabilities such as diabetes, epilepsy, and dyslexia, and people who have mental health conditions.

Additional support may need to be put in place when an employee becomes disabled or if a disability worsens during the course of employment. Support needs will also need to be considered when an employee has a stable impairment but the nature of his or her employment changes (for example if the employee is relocated or if duties change).

In any of these circumstances the University is legally required to:

- consider any reasonable adjustments that would resolve the difficulty; and
- implement any adjustments identified, within a reasonable timescale.

An assessment of the individual's needs should be made by the manager with the individual and, where appropriate, Occupational Health, and the HR Adviser. The assessment should consider:

- the nature and degree of impairment
- the job functions the individual can perform
- the aids or modifications required
- the need for training
- revised work schedules or other adjustments
- time off for medical treatment or rehabilitation.

The employee should be involved in discussions about the effects of the disability and in considering any reasonable adjustments that might help. If the condition is progressive or fluctuates it may be difficult, but not impossible, to predict exactly what adjustments are required. The condition may be as new and unfamiliar to the employee as it is to the manager.

Any of the adjustments mentioned in section 13 may be appropriate and if none of these are suitable it would generally be reasonable for the University to make significant efforts to reallocate duties, offer a reduction in hours and contract, or to identify a suitable alternative post. In deciding what is reasonable, the resources available to the University as a whole should be taken into account. Detailed advice on making reasonable adjustments should be obtained from Occupational Health or HR when considering changes to the role or alternative employment within the department.

It is important to keep accurate written records at every stage of the assessment process, and to give reasons for all decisions. Records should be kept on the employee's personal file in the department. The employee has the right to see these records if requested.

It is possible that a specialised assessment of the individual and the workplace will be required in order to ensure that all options have been considered. Specialist advice may be sought from Occupational Health.

13.2 Redeployment

If adjustments are not practicable within the employing department the University will look to redeploy an employee with a disability to an alternative role through the University Ring Fence process where this is recommended by Occupational Health.

The current line manager should encourage an employee with a disability to disclose their disability during the redeployment process and ask for reasonable adjustments to be made to the redeployment process if appropriate.

13.3 Inability to make reasonable adjustments

There may be situations where the nature of the employee's disability means that no reasonable adjustments are possible either in the existing post or through redeployment, further guidance will be provided by HR on the options available.

14. Parking

Disabled Person's Parking Permits will be granted to blue badge holders. Temporary mobility permits may be given to people with a short-term medical condition, including complications arising from a difficult pregnancy. This is provided on recommendation from Occupational Health.

15. Assistance available within the University

The University of Portsmouth offers a range of support services for individuals with disabilities and their managers.

Human Resources

HR Business Partners and advisers are available to offer general advice and guidance to managers and individuals to co-ordinate the consideration and organisation of disability support where needed. Further information on the role of HR can be found at www.port.ac.uk/departments/services/humanresources/.

Occupational Health Advisers

The Occupational Health Advisers will provide impartial advice to employees and managers following a clinical assessment of need. Employees may be formally referred by their line manager or HR. Advice will be provided on adjustments that are recommended in respect of the employee's fitness to work. Further information is available using the following link: www.port.ac.uk/departments/services/humanresources/occupationalhealthservice/.

Equality and Diversity Office

The Equality and Diversity (E&D) team is able to give advice, guidance and support, in addition to that available from other business areas, around disability and reasonable adjustments. E&D resources can be accessed through the following webpages: www.port.ac.uk/departments/services/equalityanddiversity/.

Disabled Staff Forum

The University has a Disabled Staff Forum for consultation with disabled staff and for their mutual support. Please encourage disabled staff to participate in these sessions. The Disabled Staff Forum exists for all staff with a 'long term illness, disability or infirmity that affects their everyday life or the work that they do'. Further information is available using the following link: [www.port.ac.uk/departments/services/equalityanddiversity/staffforums/disabledstafforum/](http://www.port.ac.uk/departments/services/equalityanddiversity/staffforums/disabledstaffforum/).

Employee Assistance Programme

Right Management Workplace Wellness offers a free, confidential helpline which provides unlimited access to information, advice and support, and onward referral to telephone or face-to-face counselling where appropriate. Further information is available using the following link: www.port.ac.uk/departments/services/humanresources/occupationalhealthservice/eap/.

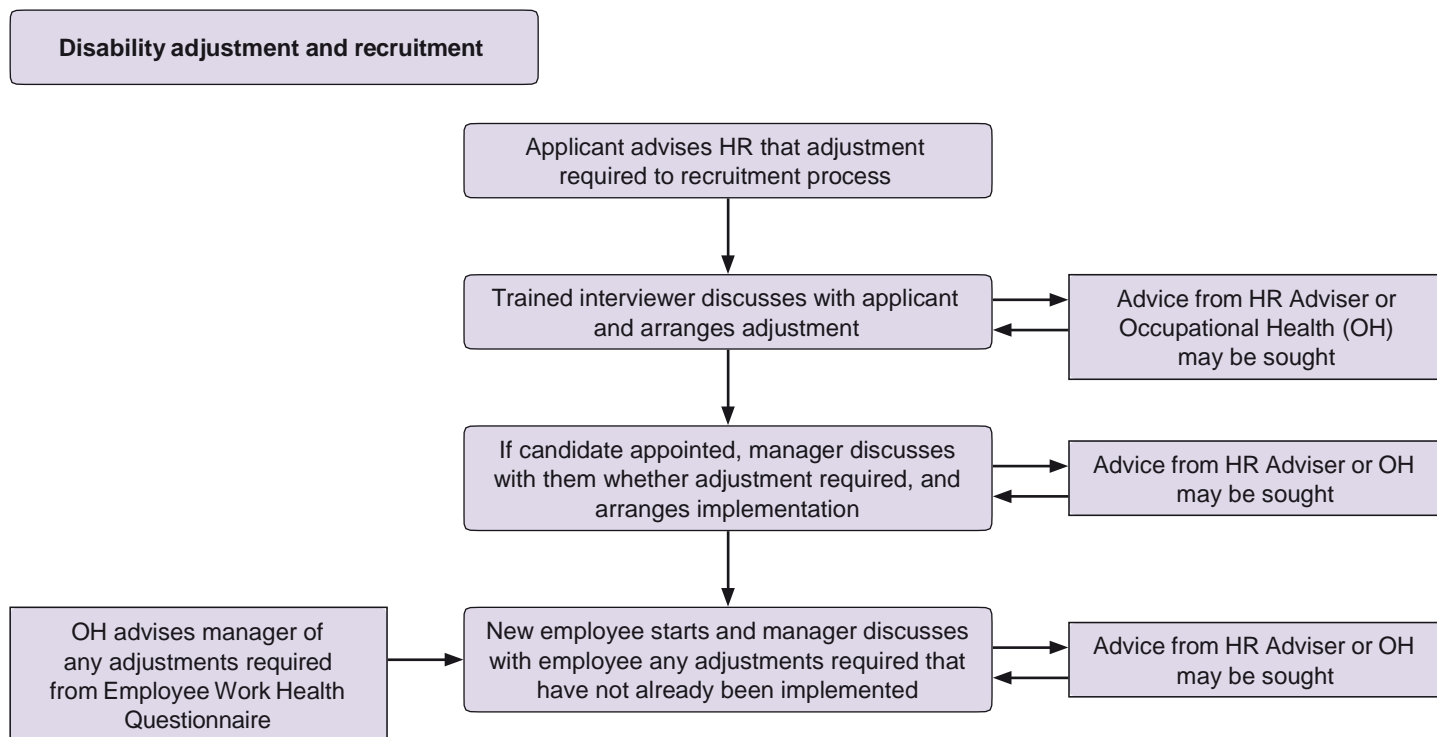
16. Other sources of information

Direct Gov website

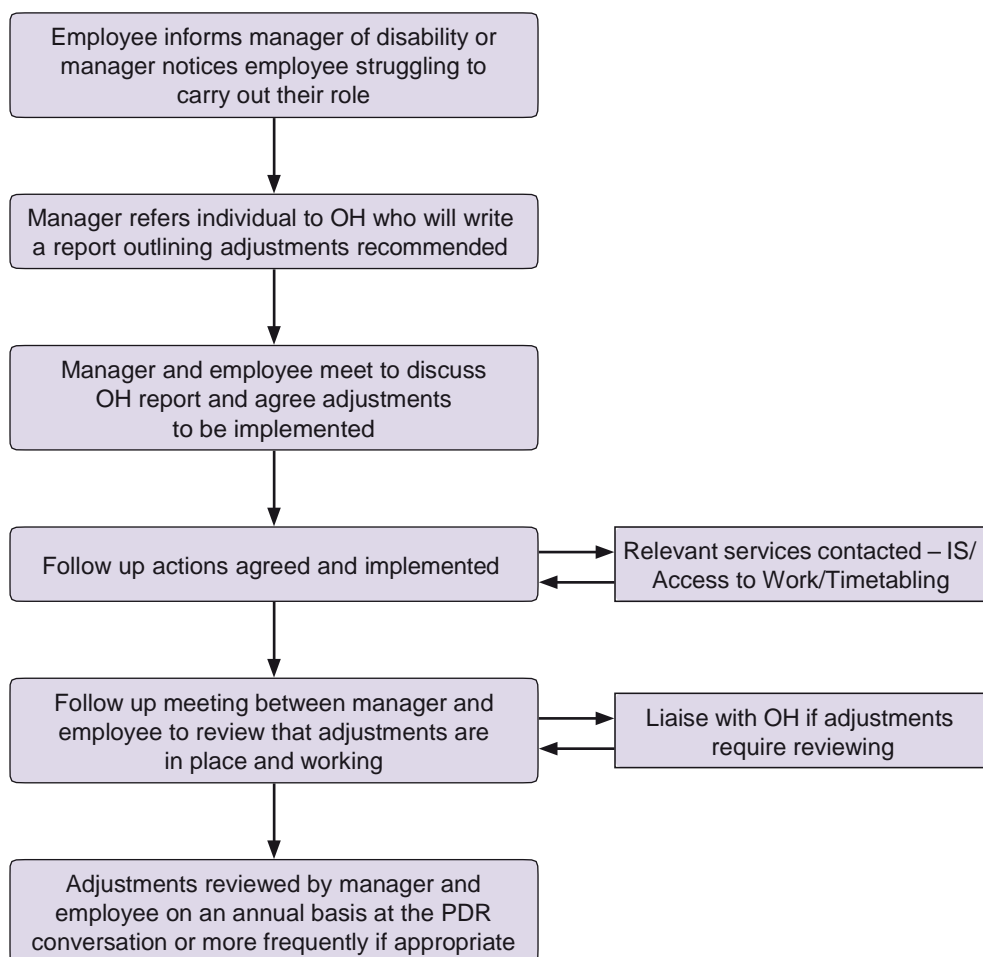
There is further information available from the Government through the Department for Work and Pensions . They have developed guidance to help employers to become more confident when attracting, recruiting and retaining disabled people and signposts further resources at www.gov.uk/government/publications/employing-disabled-people-and-people-with-health-conditions .

Annex A

Flowchart of procedure



Individual develops disability during employment



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