

MODEL DISABILITY SUPPORT POLICY AND PROCEDURE FOR SCHOOLS

This model policy will apply to both teaching and non-teaching staff and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison and GMB

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What is it?

1. This policy and procedure sets out a framework of support for employees and prospective employees (job applicants and prospective job applicants) who have or have had a disability. It also applies to employees who become disabled during the course of their work.
2. This policy and procedure is directly linked to and forms part of the school's **equality and diversity policy and procedure.**

Who does it apply to?

3. The support outlined in the policy should be made available to all employees and prospective employees of the school who have declared that they have a disability.
4. This policy and procedure should be implemented and adhered to by all employees of the school.
5. The school is also committed to equality in relation to all workers, contractors, sub-contractors, consultants, agency workers, staff seconded from other organisations and volunteers and these groups are expected to adhere to the principles set out in this policy and procedure whilst undertaking work or tasks for the school.
6. The Equality Act 2010 also extends protection against unlawful discrimination to ex-employees. The Headteacher and other managers at the school should be mindful of this in relation to matters concerning ex-employees including the provision of (or failure to provide) an employment reference.
7. Reasonable adjustments should also be considered for other groups of employees who have protected characteristics as defined in the Equality Act 2010 these include:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion and belief
 - Sex
 - Sexual orientation

When does it apply?

8. This policy and procedure applies at all times prior to employment, during the recruitment process, and throughout employment.

9. Particular care and support may need to be provided to disabled employees during the operation of a number of HR policies and procedures. The following list is not exhaustive:

- Sickness absence management
- Recruitment
- Grievance
- Dignity at work
- Equality and diversity
- Some other substantial reason (SOSR) dismissal procedure
- Disciplinary
- Redundancy
- Whistle blowing
- Flexible working
- Capability

When does it not apply?

10. There are no exemptions under this policy.
11. Where an employee or job applicant has not declared a disability or where a headteacher could not reasonably be expected to know that an employee has a disability, support under this policy may not automatically be offered.

What are the main points?

12. The school has set out a clear policy statement in the equality and diversity policy and procedure which includes; a commitment to treat all employees with dignity and respect, to value diversity and provide equality of access to opportunities in the workplace. A person should not receive less favourable treatment or be unfairly disadvantaged by policies, procedures, conditions or requirements unless this can be shown to be justified (justification can include positive action e.g. action under the Double Tick Symbol under this policy and procedure).
13. This policy and procedure sits within the framework of the equality and diversity policy and procedure and sets out details of the support and assistance available to a person, if they have declared that they have a disability, which the headteacher and all other managers at the school are required to follow and adhere to including:
- Following the principles of 'positive about disabled people' as detailed in this policy which follows the advice of the Double Tick award
 - Making reasonable adjustments
 - Access to Work and the reasonable adjustment budget
 - Personal Emergency Evacuation Plan
14. If an employee has a disability they are encouraged to declare this to ensure that they receive the support and assistance that is available. They are able to declare their disability at any point during their employment including where they acquire a disability, or an existing condition deteriorates further during

their employment.

15. When it came in to force on the 1 October 2010 the Equality Act 2010 consolidated and harmonised much of the previous discrimination legislation (which has now been repealed) and introduced some specific changes in relation to disability discrimination including:
 - Making amendments to the definition of disability
 - Amending the definition of discrimination relating to disability
 - Restricting the use of pre-employment health questions
16. Details of these changes are also set out under the section on the Equality Act in this policy and procedure and the guide to disability support policy and procedure.

What is the definition of disability?

17. The Equality Act 2010 defines disability as a physical or mental impairment that has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities.
18. Substantial means not minor or trivial and could include long term medical conditions such as asthma and diabetes, and fluctuating or progressive conditions such as rheumatoid arthritis. Long-term means that the condition must last, or be likely to last, for more than 12 months, or that it is a terminal condition.
19. A mental impairment would include mental health conditions (such as bipolar disorder or depression), learning difficulties (such as dyslexia) and learning disabilities (such as autism and Down's syndrome). Some people, including those with cancer, multiple sclerosis and HIV/AIDS, are automatically protected. People with severe disfigurements may also be covered by the Act.
20. Under the Equalities Act there is no longer a requirement to show that the condition impacts on 1 of the 8 normal day to day activities set out in the Disability Discrimination Act (DDA), but the condition must still have a substantial impact on normal day to day activity.

Declaring a disability

21. All employees are encouraged to declare if they have a disability. This information enables the school to identify where further support or positive action needs to be addressed and to monitor the effectiveness of their policies and procedures.
22. An employee will not be at any disadvantage for disclosing this information and in fact there are further rights and support available for disabled staff who declare that they have a disability as outlined in this policy and procedure.
23. An employee can make a declaration on the "Disability self declaration form". The form should be submitted to the headteacher. The headteacher (or their nominated senior manager) will arrange to meet with the employee to discuss and work through the checklist of support which is attached to the declaration

form. A record of any support provided will be recorded on the “Personal disability support plan” which should also be passed to any new subsequent manager / school.

24. If an employee declares that they have a disability the headteacher will provide support in accordance with this policy and procedure. This support may subsequently be withdrawn in the event of advice from Occupational Health or Access to Work if the condition does not fall under the definition of disability under the Equality Act 2010.
25. Information relating to declaring a disability will be kept appropriately confidential and in accordance with our obligations under the Data Protection Act relating to sensitive personal data.
26. **Langley Fitzurse C of E Primary School** will follow the principles of the double tick disability symbol as detailed below.

Guarantee of an interview

27. Where an applicant indicates on their application form that they are disabled, they will be guaranteed an interview if they meet the essential criteria for the job vacancy and will be considered on the basis of their abilities.
28. The headteacher / manager / governor responsible for recruiting to the vacancy must ensure that they check the application form to identify whether the applicant is eligible and where appropriate invite them to an interview. If they are invited to an interview the recruiting panel will also check with the applicant in advance to find out whether any reasonable adjustments are required in order to attend the interview.

Staying in employment

29. If an employee has declared that they have a disability or have become disabled during their employment with the school and they have made the headteacher aware of this, the school is responsible for ensuring that every effort is made to enable them to stay in employment. The “Disability self declaration form” contains a checklist of support which may assist the headteacher.
30. The headteacher will arrange to meet with an employee to explore what action, if any, needs to be taken to enable them to remain in employment and will work with the employee supportively to identify whether there are any positive steps which need to be taken to remove potential barriers at work.
31. The headteacher is responsible for making reasonable adjustments as set out in this policy to ensure that the employee is not placed at any substantial

disadvantage. This could involve seeking redeployment if this was appropriate or investigating reasonable adjustments which would enable the employee to remain in their current post.

On going discussions during employment

32. Where an employee has declared that they have a disability the headteacher should ensure that there is a mechanism in place to maintain on going discussions with them, at any time, but at least once a year (with periodic reviews), about what can be done to make sure that the employee can develop and use their abilities. This could be undertaken as part of the appraisal process or at a separate meeting.
33. An employee should be encouraged to let their manager know as soon as possible if they identify or need to discuss an issue affecting their access and progress at work. The headteacher is advised to seek additional advice and support from their Education HR Advisor in relation to reasonable adjustments as appropriate.

Disability awareness

34. The headteacher has an overall responsibility for ensuring that all employees in the school develop the appropriate level of disability awareness. This could be through training, information sharing, discussion or coaching or some other appropriate method. For example, where a personal emergency evacuation plan has been agreed, it may be important to share this with colleagues.

Making reasonable adjustments

35. A reasonable adjustment means taking reasonable additional positive steps to remove barriers to ensure that disabled people can access and progress at work. This means taking steps which are additional to those which may be taken for a non disabled employee or prospective employee.
36. Under the Equality Act 2010, the headteacher will need to make reasonable adjustments which will include making a decision about whether adjustments are reasonable and appropriate. The headteacher will need to give reasonable adjustments serious consideration and think broadly about these.
37. The need to make reasonable adjustments may occur prior to employment (from the planning stages of recruitment, including advertising vacancies) in relation to prospective employees and at any stage of employment for existing employees including dismissal.
38. The duty to make an adjustment will only apply if it has been declared that they have a disability or the employer could be reasonably expected to know that they have a disability. If an employee is disabled and expect a reasonable adjustment to be made for them, they will need to provide the headteacher with sufficient information for them to consider and carry out that adjustment. If further support is required with understanding the needs of the employee at work, further advice can be sought from Access to Work or

contact your Education HR Advisor to discuss whether Occupational Health could provide further advice.

39. For a prospective employee or an existing employee applying for a vacancy, who has declared that they have a disability, the recruiting panel for the vacancy will be responsible for making reasonable adjustments during the recruitment stage.
40. For an existing disabled employee the headteacher is responsible for making reasonable adjustments where appropriate throughout your employment. In accordance with the Double Tick commitment (for schools who have the award, and following the principles of this commitment for those schools who don't) as described above, you and your manager should meet at any time but at least once a year (with periodic reviews) to discuss what can be done to make sure that you can develop and use your abilities. This will include an exploration as to whether reasonable adjustments may be required and whether any current adjustments are still effective
41. The headteacher may meet to discuss particular difficulties and potential reasonable adjustments which arise. This meeting may be initiated by the headteacher or the employee. Alternatively this may occur as part of an HR policy and procedure; e.g. sickness absence management policy and procedure.
42. Where possible the headteacher or the recruiting panel proposing to make the adjustment should agree the proposed adjustment with the applicant / employee before it is made

Considerations for reasonable adjustments

43. In terms of giving consideration as to whether a reasonable adjustment should be made, the headteacher or the recruiting panel for the vacancy, will need to comply with the duty to consider whether the applicant would be placed at a substantial disadvantage compared with a person who is not disabled in relation to the following three requirements:

The way things are done (specifically a provision, criterion or practice; this could be a written or unwritten policy or procedure.

44. Example: The design of a particular workplace makes it difficult for a disabled person with a hearing impairment to hear, because the main office is open plan and has hard flooring, so there is a lot of background noise. Their manager agrees that staff meetings should be held in a quieter place that allows that person to fully participate in the meeting. By doing this, a reasonable adjustment has been made. The manager should also consider any additional equipment needs such as provision of a hearing loop, training such as lip reading skills or awareness training for colleagues such as communication tactics required.

Any physical feature of the workplace which creates a barrier (including parking areas, building entrances, doors, toilets, steps, lifts etc.)

45. Example: A manager recruits an employee who is a wheelchair user and who would have difficulty negotiating her way around the office. In consultation with the new worker, the manager rearranges the layout of the furniture in the office. The manager should also consider any other access needs in terms of getting to and from work, access to meeting rooms, evacuation procedures and awareness training for colleagues.

The absence of an auxiliary aid or service e.g. extra equipment or getting someone to support or assist.

46. Example: An employee's job has slightly changed requiring him to now complete written assessments. The employee has dyslexia but had never disclosed this to his employer. After mistakes were continually picked up, the manager discusses the issue with the employee who discloses his dyslexia and the manager seeks assistance to identify additional software to help the employee with his written assessments. If this is not available alternative reasonable adjustments may need to be considered including whether the written assessments could be completed in an alternative way.

47. Reasonable adjustments might include:

- (please note this list gives examples and is not exhaustive)
- making physical adjustments to the workplace
- providing information in accessible formats or languages including British sign language (BSL)
- allocating some duties to another employee
- transferring the disabled employee to fill an existing vacancy after all other reasonable adjustments have been considered to enable them to stay in their current position.
- altering the hours of work
- moving the disabled employee to another place of work (including giving consideration to homeworking where appropriate)
- allowing paid time off during working hours for treatment or rehabilitation related to the disability in accordance with the sickness absence management policy and procedure.
- arranging training for the employee or awareness training for colleagues
- acquiring or modifying equipment
- providing additional computer software
- altering instructions or reference materials such as provision of plain English or easy read versions
- providing a reader or an interpreter
- providing more regular supervision.
- allowing more time off for disability related absence before taking action as a result of the absence trigger points being met.

48. The headteacher should consider the following factors when considering a reasonable adjustment:

- How effective the adjustment will be in helping the employee to do their job
- Whether it is practical to make the adjustment

- How much disruption, if any, will be caused to the education / school (including other people).
 - How much, if anything, the adjustment will cost.
 - Whether any help is available in making the adjustment and towards its cost from a scheme like Access to Work or the reasonable adjustments budget (please see section below).
49. Many adjustments often involve little or no cost or disruption and are likely to be reasonable for a school to make. Adjustments which do involve a significant cost may still be cost effective in overall terms compared to the costs of recruiting and training a new member of staff, so may still be a reasonable adjustment to make. Certain adjustments may also benefit visitors to the school who have a disability.
50. If making an adjustment would increase the risk to health and safety of any person (including the disabled worker) then this is a relevant factor in deciding whether it is reasonable to make that adjustment. A sufficient risk assessment should be used to help determine this.
51. The headteacher will also need to consider the impact of the reasonable adjustment on the employee's contract of employment and ensure that your payroll provider are informed of any agreed changes which impact on salary
52. Reasonable adjustments should also be considered for other groups of employees who have protected characteristics under the Equality Act 2010.
53. Contact your Education HR Advisor if you need further advice on making reasonable adjustments.

Access to Work and the Reasonable Adjustment Budget

54. Access to Work is a government scheme run by Jobcentre Plus. It provides advice and practical support to disabled people and their employers to help overcome work related obstacles resulting from disability including workplace assessments.
55. Funding is available for both new starters (up to 100% of cost) and people already in employment on a cost sharing basis for making reasonable adjustments. The funding could be used for a wide range of support and includes:
- Communication support at an interview or at work
 - Special aids or equipment
 - A support worker to read to a visually impaired person or a sign language interpreter or a specialist coach for a person with learning difficulties or helping a person with care needs.
 - Adaptations to premises or existing equipment
 - To help with additional travel costs for people unable to use public transport
56. All assistance is for up to three years when the support and circumstances will be reviewed by Access to Work and further support may continue.

Disability Support and key HR policies and procedures

Recruitment and Selection

57. The headteacher or recruitment panel responsible for recruitment will need to ensure that they carefully follow the school's recruitment policy and procedure together with the guide to recruitment – Equality Act 2010 update. These give a fair and equitable process to follow for recruiting to vacancies in the school. In particular, it includes details of the restrictions on pre-employment health questionnaires and questions which can be asked during the selection process, which now apply, reasonable adjustments and positive action.
58. Positive action may be used in relation to recruitment and promotion on a case by case basis to address under represented groups in the workforce including disabled people. Positive action can also encourage declaration, demonstrates good practice and raises the awareness of colleagues.

Induction

59. As for all employees a fully accessible induction programme should be provided. This should also include ensuring that any support and equipment which has been identified is in place where appropriate.

Terms and conditions of employment

60. In line with the equality and diversity policy and procedure all terms and conditions of employment should be applied fairly and equitably to all employees. These are set out in the statement of particulars and further details on individual terms and conditions and how these are applied can be found at the school.
61. The following conditions which are directly relevant to disabled employees include:
- sickness absence management policy and procedure - disability and time off to attend medical appointments
62. If an employee is off sick due to their disability/impairment their absence will be recorded by the school as a disability related sickness absence so that disability/impairment can be separated from other sickness absences.

Training and development

63. Where an employee has a disability the headteacher will consider reasonable training and development adjustments in relation to access and support to training, as appropriate. Training may be provided as a reasonable adjustment in itself.

64. Trainers are also responsible for checking whether course delegates require any adjustments in the terms of the delivery of the course including content of course, presentation/training methods, venue and facilities and support needs. Timing of courses should also be considered at the planning stage to minimise potential exclusion.
65. Positive action may be considered in relation to training on a case by case basis to address disadvantage or under-representation or to meet the particular needs of those who share a protected characteristic. See *guide to recruitment - equality act update 2010*.

Policies which provide flexibility

66. There are also a number of policies and procedures aimed at providing employees with the opportunity to request flexibility at work which can also assist with improving access to the workplace. Further information is available in the equality and diversity policy and procedure.
67. The headteacher will take in to account circumstances where an employee is making a request for flexible working arrangements in connection with someone associated with the employee, who has a protected characteristic e.g. requesting reduced hours to care for a disabled parent or partner.

Becoming involved in key HR policies and procedures

68. The school's written policies and procedures exist to ensure that that there is a fair and equitable process for managing all key HR issues such as disciplinary, grievance, work performance, absences and circumstances which involve an employee leaving the school.
69. If an employee has declared that they have a disability and during their employment they become involved in being managed under one of the key HR policies and procedures the headteacher will give consideration to reasonable adjustments. This might include, where appropriate:
 - assistance with understanding the policy and procedure
 - assistance with completing forms etc
 - adjustments in relation to meetings
 - ensuring that adjustments have been considered in relation to the operation of the policy and procedure
 - ensuring that adjustments have been considered in relation to decisions taken under the policy and procedure
70. For example, if an employee is subject to the sickness absence management policy and procedure or capability policy and procedure and they have a disability the headteacher will need to take this in to account in terms of assessing the impact of the disability on the overall absence levels/capability and whether a reasonable adjustment would help their attendance/capability. The headteacher will also need to carefully consider the impact of their

disability on any decisions taken under the relevant policy and procedure.

71. Please seek advice from your education HR advisor in relation to reasonable adjustments where appropriate.

Work place risk assessments

72. Where an employee has declared that they have a disability the headteacher may decide that they need to undertake a risk assessment if the disability affects the way that they do their job to ensure their health and safety and the health and safety of others.
73. If the disability does not affect the way that the employee does their job the need to undertake a risk assessment will be made on an individual basis as for all employees. Further specialist advice and support is available from Access to Work and your Education HR Adviser is also available. If a risk assessment is carried out the employee should be involved in the assessment.

Workforce monitoring

74. For information on equality and diversity monitoring please see the equality and diversity policy and procedure and supporting guidance.

Emergency Procedures

75. Where an employee has a disability, the headteacher should consider any additional needs that the employee or a visitor with a disability may have in relation to safe movement at the school and in particular the means to get to a place of safety in the event of an emergency. Blind or visually impaired staff or deaf/hard of hearing staff may also have evacuation needs i.e. provision of a pager or visual fire alarms etc. The school should have a nominated evacuation buddy and have undertaken a personal emergency evacuation plan. This requirement also applies to any employee with a temporary disability e.g. someone using crutches.

Raising a concern/making a complaint

76. If an employee has a concern or complaint relating to the support provided under this policy and procedure they should refer the matter to the headteacher.
77. If after raising the matter with the headteacher, the matter remains unresolved an employee is able to consider raising the issue under the grievance policy and procedure or dignity at work policy and procedure as appropriate.
78. Further information about unacceptable behaviour is set out in the equality and diversity policy and procedure.

The Equality Act 2010

79. Disability discrimination extends to all types of discrimination as set out in the equalities and diversity policy and procedure. The Equality Act includes the following new or changed areas:
- discrimination by association where someone is associated with someone with a protected characteristic (e.g. a child, parent or partner)
 - discrimination by perception where someone is perceived to have a protected characteristic but does not actually possess it.
 - harassment is also extended to protect those who witness harassment of others and find it offensive.
 - victimisation where someone is treated badly because they have made/supported a complaint or grievance under the Act.
 - indirect discrimination where a particular rule or requirement disadvantages people who share a protected characteristic unless this can be justified.

Roles and responsibilities

Headteacher's responsibilities

80. To ensure that the support outlined in this policy and procedure is provided to disabled employees fairly and consistently.
81. To carry out recruitment and selection in accordance with the current policy and guidance and to ensure that prospective disabled employees are also treated fairly and consistently in line with the principles outlined within this policy including the need to make reasonable adjustments where appropriate.
82. Where an employee declares that they have a disability to meet with them to work through the checklist of support for disabled staff attached to the declaration form and action as appropriate.
83. Where an employee declares that they have a disability to ensure that there is a mechanism in place to discuss, at any time, but at least once a year (with periodic reviews), what can be done to make sure that they can develop and use their abilities – this can be through the appraisal process or at a separate meeting.
84. When an employee declares their disability to ensure that reasonable adjustments are implemented to remove barriers for disabled staff which potentially put employees at a disadvantage to ensure that they can perform effectively and have equal access to progression in the work place.
85. To consider the impact of making a reasonable adjustment as set out in the policy and procedure and to seek further advice where appropriate and action contractual changes as necessary.

86. To work with you Education HR advisor or Access to Work to negotiate adjusted working conditions or to resource and purchase equipment and reclaim costs as appropriate.
87. To comply with the responsibilities to disabled colleagues and visitors in the event of an emergency evacuation as outlined in this policy and procedure.
88. To make every effort when employees become disabled to enable them to stay in employment including redeployment where appropriate.
89. To ensure that where disabled employees receive an appropriate and fully accessible induction including information about policies, practices and procedures when they start a new post and that they continue to be informed and updated about changes to these.
90. To apply all other employment related policies and procedures and terms and conditions of employment fairly and consistently and to implement reasonable adjustments for disabled staff where appropriate.
91. To be mindful and take action to avoid all forms of discrimination as set out in this policy and procedure and the equality and diversity policy and procedure to ensure that equal rights and opportunities are provided to all.
92. To challenge discrimination and unfair treatment in the workplace and ensure that it is dealt with appropriately and where necessary under the dignity at work/disciplinary policy and procedure.
93. To provide support to any employee who is the subject of unlawful or unacceptable discrimination in the course of his/her employment.
94. To undertake risk assessments where an employee's disability affects the way that they do their job to ensure their health and safety and the health and safety of others.
95. To seek appropriate professional guidance from HR and other professionals in order to maximise support options available for the individual.

Employee responsibilities (disabled and non disabled)

96. To treat colleagues, governors, pupils and members of the public with dignity and respect and to be supportive of disabled colleagues, in accordance with the principles set out in this policy and procedure, the equality and diversity policy and procedure, the dignity at work policy and the code of conduct policy and specifically:
 - to embrace a culture which provides supportive and positive working relationships and behaviour which underpins the school's vision, values and belief.
 - to be mindful of and take action to avoid becoming involved in any form of discrimination as set out in this policy and procedure.

- to be supportive of steps taken by the school to provide reasonable adjustments for colleagues
- to make colleagues aware if their conduct or behaviour is inappropriate and to report this to the headteacher.
- provide support to someone who is subject to such conduct or behaviour
- to promote good community and workplace relations to foster and encourage an atmosphere of tolerance and support so that there is no place for behaviours which would negatively impact upon the community or workplace.

Employee responsibilities (disabled)

97. In addition to the responsibilities above to:

- declare their disability on the disability declaration form provided to enable the headteacher to provide the support outlined in this policy and procedure.
- work positively with the headteacher to provide information about barriers which place them at a disadvantage at work and help to identify reasonable adjustments or solutions to overcome these barriers.
- co-operate fully in assisting the headteacher to undertake risk assessments and put together personal emergency evacuation plans, where these are identified as necessary to ensure the health and safety of the employee and/or the health and safety of others.
- take a personal responsibility for matters relating to their own personal safety at work and for informing colleagues of their own needs.

School responsibilities

98. The school has an overall responsibility for the reviewing, updating and monitoring of this policy and procedure and specifically to:

- make available to employees its written policies, practices and procedures on diversity and anti-discriminatory practice in employment including disability support through HR direct online.
- inform new employees of its policies, practices and procedures during induction training.
- inform all employees of changes to, and developments of its policies, practices and procedures.
- provide advice and support and training to managers at the school in relation to equality and diversity issues including disability support and making reasonable adjustments.

Via Education HR advisory, Occupational Health (OH) responsibilities

99. OH has an overall responsibility for providing the headteacher with advice on an employee's fitness for work from a professional health perspective. In the context of this policy and procedure OH:

- provide advice and support to the headteacher in relation to pre-employment questionnaires (once a job offer has been made)

- provide advice and support to the headteacher and employees in relation to fitness for work under the absence management policy and procedure
- provide advice and support to managers and employees in relation to reasonable adjustments where required. Access to this service is via the schools education HR advisor.

Frequently asked questions

100. **Does an employee have to disclose their disability status?**

No, there is no legal requirement upon an employee to disclose any protected characteristic but it does assist the school in determining what support they can provide to them and in understanding its workforce. An employee will not be at any disadvantage for disclosing the information and in fact there are further rights and support available for disabled staff and other groups of staff who have protected characteristics.

101. **If an employee declares that they have a disability what information if any, does the headteacher need to share with other colleagues?**

The headteacher should ensure that any personal information is dealt with confidentially and give consideration to issues of dignity and privacy. However, there may be circumstances where it would be appropriate to share aspects of a declaration with colleagues. This would include circumstances where a colleague(s) support may be required to implement a personal emergency evacuation plan, a reasonable adjustment has an impact on other colleagues or where it may be beneficial for a limited number of immediate colleagues to be aware of a medical condition and simple immediate steps to prevent the employee from harm. Where it is proposed that information should be shared with colleagues the headteacher will discuss this with the employee including consideration of the amount of information which will be shared. For example, unless there are clear reasons why colleagues need to be aware of the nature of the disability it may be more appropriate to say that a certain change needs to be made as a result of a reasonable adjustment or arising from a disability, rather than share the details of the disability or condition.

102. **What steps might a headteacher take to establish if an employee has a disability if they have not declared it?**

This is a difficult area. A headteacher should consider whether an employee has a disability even if they have not declared it and do all that they reasonably can to ascertain this, for example when carrying out supervision or conducting appraisals. A headteacher should also consider this before embarking on a performance management route. However, employees can choose whether to disclose this information or not. It may also be possible that the employee is unaware of their disability and may benefit from appropriate signposting.

- When making enquiries about disability, a headteacher should consider issues of dignity and privacy and ensure that personal information is dealt with confidentially. Once an employee has told their headteacher that they have a disability the support outlined in this policy and procedure will apply.

- Where difficulties are observed at the school but support is declined, headteachers are advised to keep an informal record that they have tried to offer support and assistance.
- Example: A worker who deals with customers by phone at a call centre has depression which sometimes causes her to cry at work. She has difficulty dealing with customer enquiries when the symptoms of her depression are severe. It is likely to be reasonable for the employer to discuss with the employee whether her crying is connected to a disability and whether a reasonable adjustment could be made to her working arrangements.

103. **What type of health/disability related questions can an applicant be asked at an interview?**

- There are restrictions on the health or disability-related enquiries that can be made during the recruitment process. These limits apply up to the point where an applicant is offered a job or placed in a pool of people to be offered a job. Until this point they should only be asked about their health or disability to help the recruiting panel:
- find out whether the applicant can take part in an assessment
- decide whether there is a need to make reasonable adjustments to enable the applicant to participate in a selection process, including an interview or test
- decide whether the applicant can carry out a task that is an essential part of the work
- monitor diversity among people applying for jobs
- implement positive measures such as the 'guaranteed interview scheme' under the double tick symbol. Information to implement the double tick symbol is collected from the application form.
- know you are disabled because it is a requirement of the job that you have a disability e.g. the council advertises for a deaf/blind project worker who has personal experience of deaf/blindness.
- It is good practice for the recruiting panel to make clear the purpose of asking the question.
- For further information see guide to recruitment - equality act 2010 update.

104. **If an employee is hard of hearing and need to attend a meeting at another location. What should happen?**

- The employee should contact the meeting organiser who will discuss their requirements and then provide reasonable adjustments to enable the employee to attend the meeting.

Definitions

105. Diversity – is about recognising, valuing and taking account of people's different backgrounds, knowledge, skills and experiences, and encouraging and using those differences to create a productive and effective workforce.
106. Protected characteristics – is a group which is protected from discrimination under the Equality Act 2010 and includes age; disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race;

religion or belief; sex; and sexual orientation.

107. Positive action – these are voluntary measures which an employer may consider to improve equality for people who share a protected characteristic. Positive action is not the same as positive discrimination which is unlawful.

Relevant Legislation

108. The Equality Act 2010.
109. The school will also have due regard to the relevant codes of employment practice issued by the Equality and Human Rights Commission.

Advice and guidance

110. If an employee requires help in understanding this policy they should contact the headteacher or trade union representative if they are a member.

Further advice and information

111. There are a number of related policies and procedures that you should be aware of including:
- equality and diversity
 - religion and belief in the workplace policy and procedure
 - dignity at work
 - recruitment
 - code of conduct
 - whistleblowing
 - grievance
 - sickness absence management
 - disciplinary
 - capability
112. Please contact your Education HR Advisor for further support and guidance.