

# Staff Disability Guidance

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## 1. Introduction

- 1.1 Keele university is committed to creating an inclusive environment that promotes equity across our university community and that enables colleagues to be provided with the required support.
- 1.2 This includes staff who are disabled and/ or are living with a long-term health condition as defined by the Equality Act 2010. Regardless of whether this status occurred prior to or during employment, staff should be assured that Keele complies with its legal requirements under the Equality Act 2010 pertaining to the protected characteristic of disability.
- 1.3 Keele is committed to adhering to its Public Sector Duty to foster an inclusive culture between disabled and non-disabled staff in recognition of the fact that people are different and work in different ways. Keele has a zero-tolerance policy towards any form of discrimination, harassment, bullying and victimisation of disabled staff and any other conduct that is prohibited under the Equality Act 2010. This means that reports when raised either formally or informally will be investigated as part of established impartial processes to establish validity based upon evidence received. Any subsequent action required will be proportionate to the severity of the concern raised.

## 2. Purpose

- 2.1 In a move towards the Social Model of Disability, this guidance provides clear direction regarding the support disabled staff will receive whilst in employment at Keele. The guidance provides clarity for disabled staff regarding the provision of reasonable adjustments and other disability related provision.
- 2.2 The guidance contains clear direction for Line Managers to support disabled staff to ensure they receive an equitable employment experience. This means their experience of the physical and digital facilities and working environment at Keele is comparable to that experienced by non-disabled staff wherever reasonably practicable. In addition, relevant staff will take proactive steps in making reasonable adjustments and in taking proportionate steps to overcome barriers which impede, or disadvantage disabled staff.

## 3. Scope

- 3.1 This guidance applies to all disabled current staff and potential staff including, job applicants, visitors and volunteers, interns and apprentices working within Keele. This guidance also applies to agency workers, self-employed people and contractors or any other person hired personally to undertake work but not including those who will be governed by their own employers' policies and procedures. This guidance is not contractual in nature.

## 4. Guidance Statement

- 4.1 This guidance provides clarity regarding Keele university provision for disabled colleagues. The University will act to ensure that disabled colleagues are included, valued, and have equitable access to all facilities during their employment in a way that allows them to maintain their dignity and independence. The University aims to promote a positive attitude towards disabled colleagues and seeks to continuously improve disability provision. All reasonable efforts will be made to ensure disabled colleagues are not placed at a disadvantage because of their condition or impairment. Keele is committed to ensuring disabled colleagues have an equitable experience and can carry out their responsibilities without barriers.
- 4.2 Keele University does not tolerate any act of victimisation, harassment or bullying against any member of staff and therefore accusations when raised will be investigated using impartial and established processes. It is both appropriate and reasonable for a disabled staff member to be treated more favourably than a non-disabled staff member due to the introduction of a reasonable adjustment. There is no legal requirement for staff to declare a disability and the sharing of information about another persons' disability is prohibited unless for specific legitimate reasons or with the permission of the disabled staff member. Disabled staff should be aware that where they are unwilling to share information about their disability it may limit the support and reasonable adjustments that can be made. The University welcomes open dialogue and therefore colleagues are encouraged to engage openly with their Line Manager.

## 5. Disability disclosure and confidentiality

### 5.1 Confidentiality

Sharing information about a disability is discretionary not compulsory. All current and prospective colleagues will be provided with opportunities to declare their disabilities to their Line Manager and an appropriate HR Advisor so that appropriate support can be made available to them.

### 5.2 Disability disclosure

All information and documentation regarding a staff member's condition will be used exclusively for the purpose of planning and implementing required support and to inform return to work discussions. Information is held in accordance with the University [Data Classification and Handling Policy - Keele University](#)

## 6. Disability Passports

- 6.1 Keele has introduced and encourages the use of Disability Passports. These should be completed by the disabled staff member with their Line Manager. Passports will be used to aid the review of adjustments and other disability related information as required. This information is confidential. Documents will not be shared outside of the management line without the permission of the disabled staff member. The passport will be held with HR as part of staff records.

## 7. Prospective Staff: Recruitment

- 7.1 Keele University is committed to taking positive steps to employ people with disabilities and has been awarded the disability confident employer accreditation. All applicants who are disabled and declare their disability or long-term health condition can partake in the scheme. This enables those who meet the essential criteria to be guaranteed an interview.
- 7.2 Disabled applicants will be invited to provide information regarding the adjustments they require. It is the responsibility of the recruiting manager to ensure adjustments are accommodated to facilitate equal access to recruitment processes. Applicants must be provided with the necessary support that allows the demonstration of their skills and qualifications. Recruiting managers should contact a member of the HR Resourcing and Talent Management Team should they have queries regarding reasonable adjustments.
- 7.3 Keele recruitment initiatives also attract disabled candidates. The University therefore ensures documents are non-discriminatory and only include criteria that are objectively necessary to facilitate success in a role. Recruitment decisions are based solely on an individual's ability to undertake the role with reference to the person specification.

## 8. Reasonable adjustments

- 8.1 Line managers, in consultation with the employee, should ensure that all reasonable adjustments are accommodated once considered as reasonable so that the employee can work safely and effectively with secure equal access to all benefits of employment. Advice and support on reasonable adjustments can be sought from Occupational Health. The University induction is also fully accessible to all disabled employees.
- 8.2 Under the Equality Act 2010 Keele University has a responsibility to ensure disabled staff can access services and facilities, jobs, education, and training and are able to undertake their role without environmental barriers preventing this. This is known as the employers "duty to make reasonable adjustments." What is reasonable depends on several factors: effectiveness, practicability, the resources available to the organisation, the disruption, and the effect on others.
- 8.3 Keele wishes to retain staff who are, or who become disabled, therefore every reasonable effort will be made to implement reasonable adjustments such as

acquiring or modifying equipment, allowing absences for disability related appointments, or implementing flexible or hybrid working.

- 8.4 It is the responsibility of the Line Manager to consider and facilitate access to reasonable adjustments usually within 3 months of the initial discussion. Delays in providing adjustments may impact negatively on staff therefore arrangement of adjustments should be prioritised. In the event of a delay, Line Managers in consultation with the disabled staff member, must agree how identified barriers are going to be addressed in the short term.
- 8.6 Failure to make a reasonable adjustment for a disabled member of staff is unlawful discrimination. A decision not to make an adjustment must be objectively justified. It is still the responsibility of the University to make reasonable adjustments, even if the staff member is awaiting a response from Access to Work. Reviews of reasonable adjustments should be made at regular intervals by Line Managers. We recommend the use of the Disability Passport to facilitate these discussions.
- 8.7 All staff are also expected to adhere to the Equality Act 2010 requirement for students in relation to anticipatory responsibilities regarding the provision of requested reasonable adjustments. This means that staff have a mandatory duty to implement reasonable adjustments when requested by students also. Failure to do so could cause a legal risk to the University as could be categorised as direct discrimination, which is behaviour prohibited under the Equality Act. If staff are unsure, please refer to the [Student Accessibility and Inclusion Service](#).

## 9. Implementation of Reasonable adjustments

- 9.1 Keele work with specialist advisors, including, but not exclusively, Occupational Health and Access to Work, and will consider all reasonable adjustment recommendations, recognising that adjustments can take many forms and will be individual to each situation.
- 9.2 In the event that there is a delay in receiving referrals to Occupational Health or Access to Work, Line Managers retain the duty to provide reasonable adjustments. On receipt of Occupational Health recommendations, reasonable adjustments outlined and evaluated as reasonable, should be implemented as part of an employer's duty under the Equality Act 2010.

## 10. Re-deployment

- 10.1 In very rare cases where it is not possible for the staff member to continue in their current role due to their disability, we will make every reasonable effort to identify suitable alternative employment as another form of reasonable adjustment. Further information is contained in the University [Redeployment Procedure - Keele University](#)

## 11. Disability related absence recording and disability related sickness monitoring

### 11.1 Disability Related Absence

This absence may be a type of reasonable adjustment under the Equality Act 2010 and is a form of absence for short, planned appointments or short periods of absence to help staff manage their disability. Requests for leave will be judged on a case-by-case basis and, if granted, recorded as such, and will be recorded separately from sickness absence. Examples include but this is not an exhaustive list:

- Treatment related to an employee's disability.
- Hearing aid tests or assessments for conditions such as dyslexia
- Counselling/therapeutic treatment or physiotherapy
- Dialysis treatment
- Having equipment serviced or fitted.
- Blood tests for diabetes, cancer or other conditions, and treatment or tests and recovery time.

### 11.2 Disability related sickness absence recording

Where absence is related to a disability or long-term health condition, these should be reported as such to the Line Manager. Such absences will not be subject to normal sickness absence management criteria and will be recorded as disability related sickness. Line Managers should seek advice from their HR Advisor and where recommended, Occupational Health, before discussing repeat absences of this type with the staff member.

## 12. Links to other Institutional Policies, Procedures and Guidance

[Induction Guidance for Line Managers](#)

[Staff Sickness Absence Policy and Procedure - Keele University](#)

[Supporting Attendance Policy - Operational Staff - Keele University](#)

[Redeployment Procedure - Keele University](#)

Link to disability passport guidance when ready.

## 13. Definitions

**Public Sector Equality Duty (PSED)** - requires public bodies to have due regard to the need to:

- 1- Eliminate discrimination
- 2- Advance equality of opportunity
- 3- Foster good relations between different people when carrying out their activities

**Equality Act 2010: Disability**- A person has a disability if they have a physical or mental impairment that has a long term and substantial adverse effect on their ability to carry out normal day-to-day activities. Physical or mental impairment includes sensory impairments such as those affecting sight or hearing.

**Long term** - means that the disability or health condition has lasted or is likely to last for at least 12 months or for the rest of the disabled person's life.

Hidden impairments such as mental illness or mental health problems and conditions such as diabetes and epilepsy are also included where they meet the definition in the Act.

**Social Model of disability** - states that a person is disabled by barriers in their physical environment and in society and not by their impairment. Barriers can be physical, or they can be caused by attitudes towards difference and the assumptions that arise as a result.

**An impairment** - which consists of a severe disfigurement is treated as having a substantial adverse effect on the ability of the person concerned to carry out normal day-to-day activities. Cancer, HIV infection and multiple sclerosis are deemed disabilities under the Act from the point of diagnosis. In some circumstances, people who have a sight impairment are automatically treated under the Act as being disabled. Progressive conditions and fluctuating and recurring conditions will amount to disabilities in certain circumstances.

### **Discrimination arising from disability –**

(1) A person (A) discriminates against a disabled person (B) if —

(a) A treats B unfavourably because of something arising in consequence of B's disability, and

(b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

(2) Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

**Direct discrimination** - Direct discrimination occurs when a person treats another less favourably than they treat or would treat others in a similar situation because of a disability.

**Indirect discrimination** - This happens when an organisation has a particular policy or way of working that has a worse impact on disabled people compared to people who are not disabled.

**Indirect disability discrimination** - is unlawful unless the organisation or employer is able to show that there is a good reason for the policy, process or decision, and it is proportionate.

**Harassment** - This occurs when someone treats you in a way that makes you feel humiliated, offended, or degraded.

**Victimisation** - This means that you are treated badly because you have made a complaint of discrimination under the Equality Act.

**Disability leave** - Is a period off work which has been approved by an employer for a reason related to an employee's disability.

**Reasonable Adjustments** - What is reasonable depends on each situation. The employer must consider the following carefully when implementing reasonable adjustments:

1. **Effectiveness** - Will the adjustment remove or reduce the disadvantage i.e. is it effective – the employer should talk with the person and not make assumptions.
2. **Practicable** - Is the adjustment practical to implement, this differs from whether the adjustment is convenient to implement.
3. **Cost** - Is the adjustment affordable against the whole university budget rather than the departmental budget.
4. **Disruption** - What is the amount of disruption the adjustment is likely to cause.
5. **Impact on others** - What is the effect of the adjustment on others; is it likely to impact the team's ability to perform



## 14. Controls

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