STAFF GUIDE ON DISABILITY AND EMPLOYMENT

Guidance for managers and disabled members of staff

This Guide should be read in conjunction with the University’s Disability and Employment Policy

If you require this handbook in an alternative format, for example in Braille or large print, please contact the Equality and Diversity Team, either by email at equality-diversity@bristol.ac.uk or telephone (0117) 33 18087

Supporting excellence through diversity
As Director of Personnel and Staff Development I am delighted to welcome you to our Staff Guide on Disability which aims to provide a comprehensive source of information for all staff.

As a major employer, the University recognises the importance of supporting and retaining disabled members of staff. This Guide aims to provide information to staff who are working with disabled colleagues and to disabled members of staff themselves, as well as setting out the wider legal context within which University staff are expected to operate.

I hope that you find this a valuable source of information and would welcome your feedback.

Guy Gregory
Personnel and Staff Development Director
SECTION 1: THE LEGAL FRAMEWORK

This section provides information on legislation relating to disabled people and how it applies in the workplace. It explains the various forms of discrimination that can affect disabled individuals and also covers legal liability should a complaint be brought.

1.1 The Equality Act 2010
The Equality Act 2010 (henceforth referred to as the Act) makes it unlawful for an employer to discriminate against a disabled person in relation to the recruitment or retention of staff.

A disabled person is someone who has a physical or mental impairment and the impairment has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities. ‘Long-term’ means that the impairment has lasted or is likely to last for at least 12 months or for the rest of the affected person’s life; ‘substantial’ means more than minor or trivial.

It is not always immediately obvious who is disabled; as well as covering ‘visible’ impairments, the Act also affords protection to those with hidden impairments such as mental illness, learning disabilities, dyslexia, diabetes and epilepsy. People with cancer, HIV or multiple sclerosis are automatically covered by the DDA from point of diagnosis. Non-disabled people are also protected against disability discrimination where they are perceived to have a disability or are associated with a disabled person.

1.2 Forms of discrimination
The following forms of discrimination are unlawful:

- **Direct discrimination** – is less favourable treatment purely because of a person’s disability. Direct discrimination can also occur because of generalised or stereotypical assumptions about a person’s disability or its effects. This form of discrimination can never be justified.

**Example**
An employer rejects a job application because the applicant discloses schizophrenia, even though she meets all of the essential and desirable criteria necessary to do the job. Her application is rejected because of an assumption that the applicant would be unable to cope with the demands of the job and concerns about health and safety because of the nature of her mental illness. This assumption is made without any supporting evidence and would amount to direct discrimination as the less favourable treatment is directly related to her disability.
Discrimination by association and perception are also covered. For example, **discrimination by association** can occur if an employee is subject to a detriment due to their association with a disabled person.

**Example**
A lone father caring for a disabled son has to take time off work whenever his son is sick or has medical appointments. The employer appears to resent the fact that the worker needs to care for his son and eventually dismisses him. The dismissal may amount to direct disability discrimination against the worker by association with his son.

**Discrimination based on perception** can occur if, for example, an employer decides not to offer a job to a person they suspect has a disability.

- **Failure to comply with a duty to make reasonable adjustments** – the duty to make reasonable adjustments occurs where a provision, criterion or practice applied by or on behalf of the employer, or any physical feature of premises occupied by the employer, or the absence of an auxiliary aid (such as equipment or a support worker) places a disabled person at a substantial disadvantage compared with people who are not disabled. An employer has to take such steps as are reasonable to prevent the disadvantage – in other words, the employer has to make a ‘reasonable adjustment’. However, an employer will only breach the duty if the adjustment in question is one which is deemed reasonable to make. More information on reasonable adjustments is included in Section 2.

**Example**
A person with a mobility impairment is recruited to a post where the office is located on the second floor – there is no lift. The employee asks that a lift is installed so that she can access her office. This would be of considerable expense and also significantly disrupt business in that building for several months. As a reasonable adjustment, the employer relocates the employee to an office on the ground floor and arranges for any team meetings to take place in that area to make them as accessible as possible to the individual.

- **Discrimination arising from disability** – occurs when the reason for the discrimination is because of something connected to the disability. A person can only be liable for discrimination if they know or could reasonably be expected to know that the individual is disabled. There is no need to compare a disabled person’s treatment with that of another person. It is only necessary to demonstrate that the unfavourable treatment is because of something arising in consequence of the disability. An employer may avoid discrimination arising from disability if the treatment can be objectively justified as a proportionate means of achieving a legitimate aim.
Example
An employer dismisses a worker because he has had three months’ sick leave. The employer is aware that the worker has multiple sclerosis and most of his sick leave is disability-related. The employer's decision to dismiss is not because of the worker's disability itself. However, the worker has been treated unfavourably because of something arising in consequence of his disability.

Example
A woman with a disability which requires the use of a wheelchair applies for a job. She can do the job but the employer thinks that the wheelchair will get in the way in the office. He gives the job to the person who is no more suitable for the job but who does not use a wheelchair. The employer has therefore treated the woman less favourably than the other person because he did not give her the job. The treatment was for a reason connected to the disability, i.e., the fact that she used a wheelchair, and not to the disability itself.

- **Victimisation** - is action taken by an employer, against an employee, in retaliation for initiating complaint proceedings.

Example
Someone is dismissed because they were a witness for a colleague in a disability discrimination hearing. This dismissal would be unlawful.

- **Harassment** - where a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment.

Example
A man with a learning disability is often called ‘stupid’ and ‘slow’ by a colleague at work. This is harassment because these comments were made with the intention of humiliating the disabled man.

Discrimination can occur at the following stages of the employment relationship:

- job advertisements, selection processes and interviews
- decision to make an offer of employment
- terms of employment
- opportunities for promotion, training, transfer or other benefits
- dismissal or other detriment
- after the employment has come to an end

It is not discrimination to treat a disabled person more favourably than a non-disabled person. For example, introducing a guaranteed interview scheme for disabled people would be lawful.
1.3 Equality Analysis

The Equality Act 2010 requires the University to demonstrate ‘due regard’ to the aims of the general equality duty. In practice this means that equality considerations are embedded into our decision-making processes and that equality is considered when we are developing key University policy. Further guidance on the equality analysis process is available on the Equality and Diversity website. The Equality and Diversity Team can also advise on this process as necessary.

1.4 Legal liability

The University is legally responsible for the actions of its employees and will be liable for those actions, unless it can show that it has taken all reasonable steps to prevent any discrimination or harassment from occurring (in which case the individual employee will be liable).

In disability-related discrimination cases, the burden of proof lies with the University as an employer. Once a prima facie case of discrimination or harassment has been established, it is for the University to prove that it has not occurred.

Communication of relevant policies on disability equality are ways in which the University ensures that staff are aware of their responsibilities under disability-related legislation.
This section addresses the requirement to make reasonable adjustments to support disabled members of staff. It also covers funding to cover associated costs and sets out how health and safety fits within the concept of reasonable adjustments.

2.1 The duty to make reasonable adjustments
The duty to make reasonable adjustments occurs where a provision, criterion or practice applied by or on behalf of the employer, or any physical feature of premises occupied by the employer, or the absence of any auxiliary aids (such as equipment or a support worker) places a disabled person at a substantial disadvantage compared with people who are not disabled. The University as an employer has to take such steps as are reasonable to prevent the disadvantage – in other words, we have to make a ‘reasonable adjustment’. The duty to make reasonable adjustments applies in recruitment and during all stages of employment, and as such covers both employees and job applicants.

2.2 Examples of reasonable adjustments
The Act gives a number of examples of adjustments that could be made, taking into account the individual circumstances of each case and provided that it is reasonable for the employer to take such steps. These examples include:

- Altering the person’s hours of working
- Making adjustments to premises
- Allocating some of the disabled person’s duties to another person
- Transferring the person to fill an existing vacancy
- Assigning the person to a different work location
- Allowing the person to be absent during working hours for rehabilitation, assessment or treatment
- Acquiring or modifying equipment
- Modifying instructions or reference manuals
- Modifying procedures for testing or assessment (for example, during interviews)
- Providing a British Sign Language interpreter
- Permitting the disabled person to work flexible hours where possible

The University only has a duty to make reasonable adjustments if it knows, or could reasonably be expected to know, that the employee has a disability. Staff are therefore encouraged to disclose a disability either at point of application or at any stage during the employment relationship. The Act does not prevent a disabled person keeping their disability confidential, but this is likely to mean that unless the
employer could reasonably be expected to know about it anyway, the duty to make reasonable adjustments will not apply.

Reasonable adjustments implemented by the University to date include:

- Changes to our estate to assist wheelchair users
- Provision of computer equipment, both hardware and voice activated software, for members of staff with visual impairments
- Provision of chairs with adjustable head/neck rests, inflatable lumber support and adjustable armrests for individuals experiencing back problems
- Provision of digital hearing aids and adapted telephones
- Changes to office location
- Changes to working hours and starting/finishing times
- Changes to job descriptions
- Employment of support workers to assist staff within the workplace, particularly in respect to hearing or visual impairments
- Provision of car parking for disabled employees

Reasonable adjustments are made taking into account the individual circumstances of each particular case. Each disabled member of staff will have different needs and reasonable adjustments must be determined and applied on an individual basis. It cannot be assumed that one type of adjustment will support each individual with a similar disability – what works for one may not work for another. There may also be operational reasons why an adjustment made previously to support a disabled colleague in one School/department cannot be made in another.

2.3 What constitutes a reasonable adjustment?
It is good practice to work in collaboration with the disabled employee to determine what adjustments should be made. However, what constitutes a reasonable adjustment is ultimately a managerial decision and should be made within the context of the following factors:

i) the effectiveness of the adjustment in preventing any disadvantage
ii) the practicality of the adjustment
iii) the financial and other costs of making the adjustment and the extent of any disruption caused
iv) the extent of the employer’s financial or other resources
v) the availability to the employer of financial or other assistance to help make an adjustment (such as advice and assistance from Access to Work – see paragraph 2.4)
vi) health and safety considerations
vii) the effect on other employees
viii) adjustments made for other disabled employees
ix) the extent to which the disabled person is willing to co-operate
The Equality Act does not permit an employer to justify a failure to comply with the duty to make a reasonable adjustment. However, this duty can only be breached if the adjustment in question is one that is deemed reasonable to make; it is the question of ‘reasonableness’ alone that determines whether the adjustment has to be made. Managers are encouraged to contact the Organisational Development Manager (Diversity) for further advice where necessary.

2.4 Accessible Information

The Act states that where the provision, criterion or practice or the need for an auxiliary aid relates to the provision of information, the steps which it is reasonable for the employer to take include steps to ensure that the information is provided in an accessible format; for example, providing letters, training materials or recruitment forms in Braille or on audio-tape. It is recommended that you include a general accessibility statement (see example below) on ANY material that you produce in hard copy, in anticipation that a disabled person may require information in an alternative format.

Example
If you require this [leaflet/report/etc] in an alternative format, for example in Braille or large print, please contact the [name of department/School/etc], either by email at XXXXXXXXXX@bristol.ac.uk or telephone (0117) XXXXXXXX

The Equality and Diversity Team can advise on how you might provide your information in an alternative format, but you would be expected to cover any costs associated with this.

2.5 Funding to cover costs associated with adjustments

Effective and practical reasonable adjustments for disabled people often involve little or no cost. However, if there is a significant cost involved, the following sources of funding may prove useful:

i. Access to Work
Access to Work is a programme run by the Department for Work and Pensions and provides support to disabled people to help them overcome work-related obstacles resulting from their disability through paying towards equipment, adapting premises, or a support worker. The application process for assistance under this programme is as follows:

- The disabled employee contacts their regional Access to Work contact centre to enquire about receiving funding.
- If eligible, the disabled employee completes an application form. Upon receipt of the completed form, an Access to Work adviser contacts the disabled person and the employer to reach a decision about what support is required. This may also involve a workplace assessment.
Written confirmation of the approved level of support and the grant available is sent to the disabled person and the employer.

Once an Access to Work report is received, the line manager in collaboration with the relevant Personnel Manager, the individual member of staff, and the Organisational Development Manager (Diversity) as appropriate, should review the recommendations and identify and put into place support that would be helpful to the individual. The repayment of the approved support costs is then reclaimed from Access to Work.

The amount of funding available from Access to Work will vary depending on individual circumstances and may cover:

- Up to 100% of the approved costs if the disabled person is unemployed and starting a new job or is working for an employer and has been in the job for less than six weeks;
- Up to 100% of the approved costs of help with support workers, fares to work (if travel is a problem), or communication support at interview;
- A proportion of the costs of support for disabled employees who have been in the job for six weeks or longer, or if there is a need for special equipment or adaptations to premises.

The precise level of cost sharing is agreed between Access to Work and the employer. After between one and three years Access to Work will review the disabled person’s circumstances and the support that they are receiving.

Managers employing a disabled person who may require additional support in the workplace should ensure that the individual to make an application for Access to Work Funding at the earliest opportunity. It is also advisable for the manager to be involved in the workplace assessment that will be undertaken and for the subsequent recommendations to be considered with the individual employee and, where appropriate, the Organisational Development Manager (Diversity) as the budget holder of the Disability Resource Fund (see below).

ii. Disability Resource Fund
The University has a limited central budget that can help with the costs of supporting disabled staff in the workplace. Access to Work can provide a contribution towards support costs, but often the employer is required to make up any shortfall in funding. In such cases, Schools/departments are expected to pay the initial £300 towards such costs, and an application for the remainder should be submitted for consideration to the Organisational Development Manager (Diversity) in Personnel Services\(^1\). Applications for assistance from the Disability Resource Fund will be considered on an individual basis.

\(^1\) See [http://www.bristol.ac.uk/equalityanddiversity/disability/drf/staff.html](http://www.bristol.ac.uk/equalityanddiversity/disability/drf/staff.html) for further information on this process and to download an application form.
Health and safety considerations

In most cases, there is no reason why a disabled member of staff should present any greater health and safety risks than a non-disabled staff member. However, health and safety issues—based on evidence and not on stereotypical assumptions—should be considered in some cases where there is good reason to do so to help determine what adjustments can be made to a job to support a disabled member of staff.

Local risk assessments should be up to date and take account of workers with disabilities and long-term health issues, as well as reasonable adjustments that are already in place. Risk assessments will need to be reviewed on a regular basis and also when a job applicant or employee has declared a disability or long-term health condition and there is good reason to believe it may affect workplace health and safety. Such assessments need to be reviewed when an employer has reason to think that the effects of a person’s disability may give rise to an issue about health and safety because:

- if an employer treats a disabled person less favourably merely on the basis of generalised assumptions about the health and safety implications of having a certain disability, such treatment may in itself amount to direct discrimination.
- Even where there is no direct discrimination, an employer which treats a disabled person less favourably without having a suitable and sufficient risk assessment carried out is unlikely to be able to show that its concerns about health and safety justify the treatment.

It is the disabled person’s immediate line manager’s responsibility to ensure that risk assessments are suitable and sufficient. However, a disabled person should not be automatically subject to a specific risk assessment if this is not merited by the particular circumstances of the case, taking into account the nature of the disability and the demands of the job.

The following principles should be applied when carrying out a specific risk assessment:

- Work collaboratively with disabled applicants and employees if it is necessary to assess whether their disability affects health and safety and, if so, to what extent. In other words, work with the disabled person when doing risk assessments that consider the effects of the person’s disability and when thinking about what reasonable adjustments might be needed to support them in the workplace. The assessment should be based on the individual’s particular work activity and should take account of any adjustments already made. It should also be subject to regular review, particularly if the disability is progressive.
- Provide sensitive and timely support to the disabled person and avoid delays. Where delay can’t be helped (for instance, if you are waiting for an Access to Work grant) you may have to make short-term temporary arrangements so they are not at a disadvantage.
- Involve others, such as specialists (for example, Departmental Safety Advisors, Occupational Health Service, Health and Safety Office Advisors, Personnel...
Managers, Organisational Development Manager (Diversity)) if you need to gain a better understanding of the impact that the disability may have on the individual’s ability to carry out their usual work activities. Many disabled people are experts in their disability, but others, for instance people with certain learning disabilities or people new to a long-term health condition, may be less familiar.

Guidance on carrying out a risk assessment is available at https://www.bris.ac.uk/safety/policy/cop/riskassessmentcop.pdf

The Health and Safety Executive has a website that promotes good practice in disability equality at work and health and safety risk assessment, available at http://www.hse.gov.uk/disability/index.htm
Managers have a key responsibility for the general well-being of their staff and for ensuring that disabled staff can access the full range of opportunities that go with their job. It is also quite often managers who will have discussions with the disabled employee about how they can best be supported in the workplace, with the help of other services as necessary. This section provides information for managers who are supporting disabled employees.

3.1 Advertising a vacancy

It is unlawful to publish an advertisement indicating:

- that the success of a person’s application for the job may depend to any extent on them not having a disability, or
- that the person determining the application is reluctant to make reasonable adjustments.

**Example**

An employer advertises a vacancy, stating ‘We are sorry but because our offices are located on the second floor, they are not accessible to disabled people so those with restricted mobility need not apply’. This is likely to be unlawful. The employer should state instead, ‘Although our offices are on the second floor, we welcome applications from disabled people and are willing to make reasonable adjustments’.

When constructing job advertisements, managers should ensure that the skills required are genuinely essential to the individual’s ability to perform the job.

**Example**

An employer advertises a vacancy to work in its Information Centre, dealing with telephone enquiries from the general public. The advertisement states that applicants must have good verbal communication skills. It is unlikely to be unlawful to include such criteria, since the job will involve dealing with a significant number of telephone calls.

**Example**

An employer stipulates that employees must be ‘active and energetic’, when in fact the job in question is largely sedentary in nature. This requirement could unjustifiably exclude some people whose disabilities restrict their mobility, and is therefore likely to be unlawful.

Managers should carefully consider how essential and desirable characteristics should be differentiated for each individual vacancy and ensure that any requirements that are essential to the job can be justified (such as levels of physical...
fitness). Faculty Personnel Managers or the Recruitment Team can advise as appropriate.

The Recruitment Team in Personnel Services will deal with any requests for information to be provided in alternative formats (such as Braille) for all vacancies advertised via the BORIS system.

### 3.2 Pre-employment enquiries about disability and health

The Equality Act 2010 limits the circumstances when health-related questions can be asked before a job offer is made. Health-related questions can be asked to:

- determine whether reasonable adjustments need to be made to the selection process
- determine whether an applicant can carry out a function that is intrinsic to the job (such as manual handling)
- monitor the diversity of job applicants
- take positive action to assist disabled people
- confirm that a candidate has a disability where this is an occupational requirement

Once a job offer has been made, appropriate health-related questions can be asked, provided that they are linked to the job requirements. In limited circumstances, this may include making conditional offers subject to satisfactory health checks. It should be noted that it is no longer permissible to ask questions that aim to establish how many days of sickness absence an applicant has accrued during previous employment prior to the candidate being made a conditional or unconditional offer of work. This question must not be included on any application forms, or addressed at interview.

### 3.3 The interview process

As stated in section 2, the reasonable adjustment requirement also applies to the interview process. When inviting applicants to interview, it is advisable to include a statement such as the following on all letters:

*If you have any support requirements due to a disability please notify us at the earliest opportunity so that appropriate reasonable adjustments can be made to our interview processes.*

Access to Work funding should cover the costs of any communication support worker that may be required, such as a sign language interpreter (see Section 2 for more information).

During interview, questions related to the individual’s disability should not be asked unless they are relevant to the person’s ability to do the job or necessary to determine any reasonable adjustments that may be necessary, as illustrated in the following examples:
Example
An applicant with a visual impairment is asked at interview whether or not she was born with that condition. This is irrelevant to her ability to do the job and is therefore likely to be unlawful.

Example
An applicant who is a wheelchair user is asked whether any changes may be needed to the workplace to accommodate him. This would not be unlawful.

If the interview involves a test, adjustments may have to be made to the nature of the test to support disabled applicants (for example, providing adapted equipment). Managers should be clear on the standards that are being tested – there is no legal requirement to lower required levels of competency to accommodate a disabled person (provided that they are genuinely essential to the job). However, consideration may need to be given to exactly how those competencies are measured - for example, the applicant may require adaptive technology to assist with the completion of a typing test. Any reasonable adjustments required should be discussed with the applicant prior to making a firm offer of employment.

3.4 The selection process
All applicants should be assessed fairly and equally against the requirements of the job description. You should be confident that, with the introduction of any reasonable adjustments where practicable, the successful applicant will meet the essential and desirable criteria set out in the Personal Specification of the job description. If you are in any doubt at any stage of the recruitment process in terms of what would constitute a reasonable adjustment in a particular case, you should immediately contact the Recruitment Team in Personnel Services.

Guidance from the University’s Recruitment Team
- If a candidate has applied using alternative formats (e.g. audio-tape) treat them in the same way as other applications.
- Ensure that any invitation to interview letters ask all candidates about any adjustments that may be required due to a disability that may have to be made to the interview process.
- If a candidate that you have short-listed has specified in their application that they have specific requirements to enable them to attend an interview, complete a test or another part of the selection process because of their disability, ensure that the required adjustments are fully considered; the expectation will be that if the adjustment is 'reasonable' then it should be made. You can contact the Recruitment Team or your Faculty Personnel Team for advice on specific cases.

2 The University of Bristol’s Guide to Successful Recruitment and Selection can be accessed at http://www.bristol.ac.uk/personnel/recruitment/practicalguidance/ and should be read in conjunction with this guidance.
When you assess an applicant’s suitability for the job (provided they meet the requirements of the role) you should take account of how reasonable adjustments could enable them to do the job. If, after taking reasonable adjustments into account, they would not be the best person for the job, you do not have to offer it to them, provided that the adjustments would not be reasonable for us to make. Before making any such decisions, the Recruitment Team and/or Organisational Development Manager (Diversity) should be consulted.

In any case, managers should contact Personnel Services when they are considering a candidate with a disability.

3.5 Medical evidence
If an existing employee requests that a reasonable adjustment is made due to a disability you can request evidence of the impairment – for example, a letter from a doctor or other such evidence. Managers can contact members of the Occupational Health Service or the Organisational Development Manager (Diversity) for advice in particular cases. Individual members of staff can be referred to Occupational Health for an assessment by their manager; such referrals must be made in consultation with the relevant Faculty Personnel Manager.

3.6 Case conferences
In many cases, managers can decide how best to support a disabled member of staff in consultation with the individual concerned and other members of the team as appropriate. However, where there are particularly complex requirements or where there is uncertainty about what constitutes a reasonable adjustment, managers are encouraged to contact their Faculty Personnel Manager to arrange for a ‘case conference’ where such decisions can be made. Other members of staff – such as the Organisational Development Manager (Diversity) or representative from the Health and Safety Office – may be invited to attend the case conference where they can be consulted on how best to support the disabled member of staff. Recommendations made at the case conference can then be discussed further with the disabled member of staff separately.

3.7 Fire evacuation procedures
Some disabilities will affect an individual’s ability to comply with usual fire evacuation procedures – for example, some disabled people will be unable to use the stairs. Managers should agree a Personal Emergency Evacuation Plan (or ‘PEEP’) with the disabled person with the support of the University Fire Safety Adviser at the earliest opportunity. The disabled person must also assume an element of personal responsibility for his/her own safety and make it known if s/he does not feel safe in the workplace. Where the disabled person is responsible for students, consideration should be given to how the member of staff could be supported to evacuate their students during an emergency situation.
3.8 Staff Review
The Staff Review process provides an opportunity for managers to discuss the suitability of any existing adjustments that are in place to support disabled members of staff. Such adjustments should be subject to regular review as in some cases the nature of a person’s disability can change.

3.9 Training
Some disabled staff may benefit from access to additional training and development activities. For example, staff with certain mental health difficulties can find it helpful to attend sessions on assertiveness or confidence building.

3.10 Time off for medical or other appointments
Managers are encouraged to enable staff to work flexibly or work from home where possible to enable attendance at medical or other appointments. In some cases, managers should consider allowing time off to attend treatment connected to a disability (for example, chemotherapy sessions, counselling, or physiotherapy). Personnel Managers can advise on specific cases.

3.11 Sickness and absence
Managers are encouraged to allow reasonable time off for disabled employees to attend rehabilitation, appointments or treatment. The University has no specific policy on granting special leave due to a disability but will examine each case on an individual basis, within the context of the particular circumstances of the individual and operational need. Where deemed appropriate, reasonable adjustments will be made to usual procedures for dealing with sickness absence if disability is known to be a contributory factor to the level of absence incurred.

When dealing with long-term absence, it may be necessary to facilitate a phased return to work to ease the transition back into the workplace. This should be coupled with a return to work meeting. Faculty Personnel Managers can advise on how best to implement this.

3.12 Temporary disabilities
Some staff may experience temporary disabilities (such as a broken leg) that can impact on their ability to undertake their normal duties. In such cases, it may be necessary to implement adjustments on a short-term basis to enable the individual to work during this time (such as changing work location, working from home, or
making temporary changes to workload). Faculty Personnel Managers can provide further assistance on such matters.

### 3.13 Keeping records, confidentiality and data protection

Information relating to a person’s disability is classed as sensitive personal data under the Data Protection Act 1998 and as such must be treated confidentially. The nature of a person’s disability can only be shared with the express permission of the disabled individual or where sharing such data can be justified. Where the individual wishes for the nature of the disability to be kept confidential, it is permissible for details of reasonable adjustments to be communicated without revealing the nature of the disability itself. The Information Rights Officer in the Secretary’s Office should be contacted for advice in such matters.

### 3.14 Dealing with complaints of discrimination

If a member of staff claims that they are being discriminated against because of their disability, managers should take the matter seriously and seek to resolve it in accordance with the University Policy and Procedure on Bullying and Harassment. Support in dealing with such matters is available to managers through their Faculty Personnel Manager.
This section provides general guidance on how staff should interact with disabled colleagues in a range of situations. The overriding rule is not to be daunted by lists of rights and wrongs. If in doubt, ask yourself how you would want to be treated in certain circumstances and always be willing to adapt to a person’s individual preference.

4.1 Meeting and greeting

General
- Do shake a person’s hand
- Don’t lean on their wheelchair, if they have one
- Do offer assistance, wait until it is accepted and provide help in the way the person asks you to – and don’t be offended by a refusal
- Don’t make assumptions – remember that anybody may have a hidden disability, such as diabetes or a mental illness
- Treat people as individuals and treat adults as adults
- Talk to the disabled person – not to their assistant or dog
- Don’t ask personal or medical questions, unless you are sure it is appropriate
- Don’t worry about making mistakes – just ask
- When speaking to a wheelchair user, try to get at their eye level, or stand back a bit

Meeting people with hearing or speech impairment
- Don’t shout at D/deaf or hearing impaired people; do position yourself in their vision, and attract their attention with a light touch or a wave if you need to
- Don’t speak at any time with your back turned or move around whilst you are speaking – this can make it particularly difficult for hearing aid users to follow what you are saying
- Do ask how a person wants to communicate – they may want to lip-read, for example
- Lip-reading is tiring and not totally reliable; speak slowly and clearly; try and provide emphasis with gestures and facial expressions; face the light and don’t cover your mouth
- Deaf people may regard British Sign Language (BSL, which has a unique grammatical structure) as their first language, not English
- Be patient with people with speech impairments; don’t correct them; don’t finish their sentences. If you don’t understand, don’t pretend you do – ask them to repeat if necessary, and tell them what you have understood so far

3 Some of the information in this section is reproduced with kind permission from the Staff Guide on Disability produced by the University of Cambridge.
Meeting people with a visual impairment

- Tell a visually impaired person who you are; introduce other people who are there and say where they are
- Don’t grab a person to guide them – let them take your arm; do ask them if they wish to be warned about steps, doors and other obstacles
- Do say clearly where their seat is, or place their hand on its back or arm
- You can use a common saying like ‘see you tomorrow’ with a visually impaired person
- Remember that a visually impaired person may miss out on gesture or facial expression and so may appear to respond inappropriately

4.2 Supporting people with Asperger’s Syndrome

Asperger’s Syndrome is a mild form of autism. People with the syndrome have difficulty in communicating and interacting with other people, and have poor social skills, including conversation, eye-contact and interpreting body language. This can bring about difficulties in the workplace, but being flexible in the way you respond to these is a reasonable adjustment you can expect to implement. Remember that:

- Unusual behaviour is generally not deliberate
- The front they present may mean a special effort is needed by colleagues to get behind it
- They may not instantly understand something that is obvious to you – explain things simply and clearly
- You should give instructions or make requests that are unambiguous
- You should not worry if a person with Asperger’s Syndrome does not contribute to a conversation
- Most Asperger people do not like change, which may cause distress, and may need to stick to routines
- They may become angry or agitated – suggest they go for a short walk to calm down
- They may do something apparently anti-social – explain this to them as tactfully as possible and suggest a better course of action should a similar situation arise in the future

And also remember that people with Asperger’s Syndrome may:

- Have a good memory for facts, which can be put to good use
- Display single mindedness or an obsessive interest in a particular subject, which could be useful if channelled in the right direction

4.3 Supporting people with dyslexia or dyspraxia

People with dyslexia experience difficulty with reading and writing, which is a symptom of underlying problems with short-term memory, processing information and perceptual, spatial and motor skills. Associated literacy and numeracy problems
may be obvious, or may show as slowness rather than inaccuracy. Other symptoms include difficulty in organising and recalling information, and poor personal organisation and timekeeping. The difficulties are made worse when a person is put under pressure. Many people are able to overcome difficulties imposed by dyslexia – for example, Albert Einstein, Winston Churchill and Richard Branson – and there are positive aspects and strengths that people with dyslexia may display such as creativity, lateral thinking and problem solving.

Dyspraxia impairs the organisation of movement and is associated with problems of language, perception and thought. It overlaps with dyslexia and the two conditions can co-exist in the same person, as can Asperger’s Syndrome. Symptoms include poor short-term memory and concentration, literacy and organisational problems and problems with co-ordination, dexterity and social skills.

Provided that they are reasonable and practicable, adjustments to support people with dyslexia or dyspraxia may include:

- Tape-recording instructions
- Copying written material onto pastel coloured paper
- Providing specialist software
- Helping with prioritisation of work
- Swapping ‘dyslexia or dyspraxia-difficult’ duties with a colleague

### 4.4 Supporting people with mental health difficulties

The Equality Act protects disabled people – including those with ‘unseen’ impairments such as mental illness – from unlawful discrimination. Consideration should therefore be given to reasonable adjustments that might be made to support staff with mental health difficulties in the workplace. There are many different types of mental impairment which can lead to a disability, including:

- Dementia;
- Depression;
- Manic depression;
- Obsessive compulsive disorder;
- Anorexia or bulimia;
- Schizophrenia; and
- Self-harm.

This is not an exhaustive list and there are varying degrees of severity. People with a mental illness need to show that their impairment has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities.

Many people are able to control their condition with medication or other therapeutic interventions; for some people mental illness will have no effect on job performance, for others their mental health may only affect work temporarily.
However, the stigma that is attached to mental illness can add greatly to the distress and isolation felt by those affected, and it can also stop them from asking for help. Any adjustments should be made in collaboration with the disabled person, as they are best placed to know what might work for them, although ultimately the decision as to what can realistically be provided rests with managers.

As part of an overall welfare package for staff, the University provides a professional Staff Counselling Service. This service is internal, independent and free to all members of staff.

4.5 Organising meetings and events

You are legally required to consider access for disabled people when planning a meeting, conference or other event. This extends to cover considering the evacuation procedures that would be initiated in an emergency situation. If you are organising a meeting or event that is likely to involve disabled people, the following points should be considered:

- Before booking accommodation for your meeting/event, establish whether the premises are accessible to D/deaf and disabled people. You should contact the Conference Office or the person responsible for booking the venue that you are using for further information if you are unsure.

- If you are advised that a building is not accessible and there is any possibility that a person with mobility difficulties might attend your meeting/event, that building should not be used unless you can introduce management systems to accommodate access and emergency evacuation.

- Any publicity materials/invitations/emails related to your meeting, conference or other event must provide people with the opportunity to disclose a disability and inform you if they have any support requirements.

- Ensure that booking forms allow for any additional services or support requirements to be communicated. It is advisable to obtain this information as far in advance as possible of your meeting/event so that any support can be arranged. If you are informed in good time that a person will need additional support, you must take steps to ensure that reasonable adjustments are made to provide this support.

- If your meeting/event is residential, ensure that adapted accommodation can be provided if required. In the absence of suitable accommodation on University premises, alternative accommodation in an accessible hotel must be arranged. The Conference Office can provide details if required.

- Don’t make assumptions about communication support – check whether the D/deaf person uses British Sign Language before you book an interpreter; they may prefer to lip-read.
- It is not acceptable to charge disabled people additional costs to cover support. It may be appropriate for any fees that you are charging for your event to be re-evaluated to ensure that support can be funded from these costs.
SECTION 5: GUIDANCE FOR DISABLED EMPLOYEES

This section provides information on specific issues and support that apply to disabled employees. For further advice regarding practical support for your individual circumstances you should contact your immediate line manager or discuss with your Faculty Personnel Manager.

5.1 Disclosing a disability
We recognise that some disabled staff may be reluctant to declare their disability for fear of discrimination, which they believe could adversely affect their career prospects. However, disclosing your disability to the University is vital if you are to receive appropriate support to assist you in the workplace.

You are provided with the opportunity to tell us about your disability on your job application form, but should feel confident in telling your manager about a disability at any stage during the course of your employment. The information you provide will be dealt with in strict confidence and will enable your manager to enter into a discussion with you about any reasonable adjustments that may be necessary to support you.

If your disability is progressive in nature, you should also inform your manager immediately of any changes to your circumstances that may require further adjustments.

5.2 Reasonable Adjustments
Reasonable adjustments are a way in which alterations can be made to your working practices or environment to better support your ability to do your job. Section 2 provides examples of the adjustments that may be available to you, although it should be noted that reasonable adjustments are determined within the context of your individual circumstances – for example, the nature of your disability, your work responsibilities and your location. In addition, consideration should be given to your employer’s situation – for example, affordability or the impact any adjustments may have on your colleagues.

If you require any adjustments due to a disability, you should notify your line manager in the first instance. H/she will then work in collaboration with you, seeking advice from professional staff as necessary, to determine the support that can reasonably be put into place for you. Sometimes, this may require a workplace risk assessment to be undertaken to ensure that any adjustments can be made with a view to maintaining a safe working environment. Your manager may also refer you (via your Faculty Personnel Manager) to the University Occupational Health Service.
for an assessment of how your disability may impact on your ability to do your job and for advice on support that can be put into place for you. H/she may also request further medical evidence from you to provide more detail about how your disability affects you. Any adjustments made should be subject to regular review and you should inform your manager if they are no longer working or if the nature of your disability changes.

If you have any concerns that you are not being supported appropriately in the workplace, you should initially discuss this with your line manager. Alternatively, you should contact your Faculty Personnel Manager who can then liaise with your manager as necessary.

5.3 Health and safety
Everyone at work is responsible for health and safety. However, if you have a disability you should alert your manager if there may be consequences for your health and safety. For example, your disability may affect your ability to adhere to usual fire evacuation procedures. Your manager can then work with you to identify reasonable adjustments that can minimise any health and safety risks. Sometimes it may be necessary to undertake a workplace risk assessment to assist this process.

5.4 University Occupational Health Service
The University has an in-house Occupational Health Service, which can provide support and advice to disabled members of staff in terms of any support that may be necessary in the workplace. If a member of staff feels s/he would benefit from an assessment by Occupational Health you should inform your manager, who can then discuss a referral with your Personnel Manager. Similarly, your manager or your Personnel Manager may refer you to the Occupational Health Service if expert advice is required on the impact your disability may have on your ability to meet the requirements of your job or on potential adjustments to support you. Referrals to Occupational Health may also be necessary if your individual circumstances should change (for example, if your disability is progressive in nature).

5.5 Staff Review
The Staff Review and Development process aims to provide all staff with the opportunity to engage in a formal two-way discussion on work progress and issues connected to your objectives, training, development and long-term career objectives. The Review meeting can also provide an opportunity for you to discuss the suitability of any existing reasonable adjustments that are in place to support you.

5.6 Car parking
If you are a Blue Badge holder the University will provide a disabled car parking bay free of charge. If your disability affects your mobility but does not qualify you for a
Blue Badge, you can apply for a disabled parking bay. For more information see the University Transport Plan or contact the Car Parking team in Security Services via email at car-parking@bristol.ac.uk

5.7 Disabled Staff Forum
The Disabled Staff Forum provides the opportunity for disabled staff to come together periodically to discuss common issues and share personal experiences with a view to influencing University policy-making and processes. The Forum also provides an element of peer-to-peer support.

For further information and details on how to join the Forum see https://www.bris.ac.uk/equalityanddiversity/disability/disabledstaffforum

5.8 Complaints
If you believe that you are being bullied or subject to harassment on the grounds of your disability, you should seek to resolve the matter either informally or formally in accordance with the University Policy and Procedure on Bullying and Harassment.
SECTION 6: SOURCES OF SUPPORT

Faculty Personnel Managers/Personnel Advisers
For contact details see
http://www.bristol.ac.uk/personnel/contact/#pms

Health and Safety Office
For contact details see
http://www.bristol.ac.uk/safety/contacts/

University Occupational Health Service
For contact details see
http://www.bristol.ac.uk/safety/health/

Organisational Development Manager (Diversity)
The Organisational Development Manager (Diversity) can help translate the law into working practice and advise on what might constitute a reasonable adjustment.
For contact details see
http://www.bris.ac.uk/equalityanddiversity/contact.html

Recruitment and Selection
Guidance on successful recruitment and selection and the contact details for the Recruitment Team in Personnel Services can be accessed at www.bris.ac.uk/personnel/recruitment

Staff Counselling Service
For contact details see
http://www.bristol.ac.uk/staffcounselling/

Trades Unions
UCU
See http://bristoluniversityucu.co.uk/contactus.aspx

UNISON
See http://www.bris.ac.uk/Groups/UNISON/contact.htm

Unite the Union
See http://www.unitetheunion.com/

Access to Work
For more information see