Staff disability policy

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<td>04/10/2022</td>
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British Sign Language (BSL) users can contact us via the online BSL Video Relay Interpreting Service: [https://contactscotland-bsl.org](https://contactscotland-bsl.org)

This document and forms associated with this document are available in an alternative format upon request.
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1. Policy statement

1.1 The University is fully committed to respect and fair treatment for everyone, eliminating discrimination and actively promoting equality of opportunity and delivering fairness to all, which is a fundamental component of the University’s Equality and Diversity Inclusion policy.

1.2 The University aims to ensure that equality for employees with disabilities is embedded into institutional functions, operations and activities, with progress monitored though our Equality Mainstreaming Report and Equality Outcomes Action Plan which can be downloaded from the EDI webpage.

1.3 A Social Model of Disability can be useful in helping people challenging biases and identifying ways people with disabilities are excluded. The Social Model says that a person is disabled by the barriers that exist in society, such as inaccessibility and discriminatory behaviour. For example, the Social Model would say that a person is disabled by the environment due to a lack of suitable provision, rather than their impairment.

1.4 As part of this process to support both the Equality Outcomes Action Plan (1.2) and the Social Model of Disability (1.3), each academic year, employees across the University, school/unit EDI representatives, Trade Unions, and the Staff with Disabilities Network, will be invited to provide feedback/input of areas identified for further activity. Draft actions identified will be conveyed to the University’s Central EDI Committee for a cross-departmental approach, as well as review of this policy. Note this is in addition to ‘reasonable adjustments stated in section 5.

1.5 To assess our performance on advancing equality for employees with disabilities, the University aims to become accredited as a ‘Disability Confident Committed Employer’, by conducting a self-evaluation on disability workplace inclusion under the UK Government scheme. This commitment is stated within the Equality Outcomes 2021-25 Action Plan, which builds upon the University Strategy (2018-2023) Diverse St Andrews core theme.

1.6 The University is committed to a zero-tolerance approach to bullying, harassment, discrimination or victimisation of any kind. Such behaviour is contrary to the values and ideals of our shared community which require a commitment to treat everyone with dignity, courtesy and respect. Any allegation of bullying, harassment, discrimination or victimisation will be investigated promptly and sensitively by Human Resources (HR) and, if there are grounds, disciplinary action will be taken. Please refer to the staff Dignity & Respect at Work Policy.

1.7 The University’s Mental Health Strategy aims to raise awareness and to reduce stigma about mental health issues, to foster a collegial, responsible and supportive workplace, to enhance the support available to students and staff and to increase awareness of, and participation in, wellbeing activities. This strategy provides the framework within which we will address these aims and sets out both a) what is current practice and, b) on the basis of evidence, what we need to do next in order to improve our mental health promotion and our provision for mental illness support.

2. Purpose

2.1 This policy aims to ensure that there is no unfair discrimination on the grounds of disability. The policy also outlines various support, services and facilities available to employees with disabilities at the University.
3. **Scope**

3.1 **University employees**

3.1.1 This policy applies to all University employees. For the purpose of this policy, flexible workers, agency workers, other casual workers, students undertaking any kind of work for the University (including work placements), honorary staff, visiting fellows and scholars and any third party engaged to work at the University, will also be defined as employees.

3.2 **Students**

3.2.1 Students with disabilities should refer to the [Student Services Disability Team](#) for advice and support, unless in a working capacity.

4. **Legal context**

4.1 **Equality Act (2010)**

4.1.1 Under the Equality Act 2010 (hereafter, ‘the Act’) disability is a protected characteristic. As such, it obligates the University not to discriminate against disabled employees.

4.2 **Definition of disability**

4.2.1 Under the Act, a disabled person is defined as someone who has a physical or mental impairment which has both a substantial and long-term adverse effect on their ability to carry out normal daily activities. This definition covers a wide range of physical, mental and sensory impairments as long as they meet the tests under the legislation, including severe disfigurement, specific learning difficulties such as dyslexia, mental health difficulties and chronic health conditions such as diabetes, epilepsy and depression as well as disabilities relating to sight and hearing. The definition also includes people with cancer, HIV and multiple sclerosis from the point of diagnosis.

4.2.2 **Impairment**

- May be a physical or mental impairment, or both. It is not necessary to establish the cause of the impairment and it does not have to be the result of an illness. It is not always possible, or necessary, to categorise whether an impairment is either physical or mental – as there might be impairments which are both physical and mental. And while impairments which are visible can be easy to identify, there can be others which are not obvious – for example, some mental health or neurodivergent conditions.

- For a person to show the impairment is a disability under the Act, it generally needs to meet the key terms in the Act’s main definition:
  - that the condition is an impairment;
  - that the impairment is long-term;
  - that the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities. Also, whether an impairment is a disability will depend on all the facts and circumstances of the individual case.

4.2.3 **Long-term**

- Lasting at least a year, or likely to persist for a year, or be for the rest of the person’s life or recur.
4.2.4 Substantial adverse effect

- More than minor, but it may fluctuate or change, and may not be present all the time.

4.2.5 Normal day-to-day activities

- Not defined by the Act, but in and out of the workplace they are taken to be common things for most people. For example, in employment, they might include interacting with colleagues, using a computer, writing, following instructions, keeping to a timetable, sitting down, standing up, driving, lifting and carrying everyday objects. A person with a disability would not normally be expected to recover, although they may become better at managing their disability. However, a person is also covered by the Act because of previous disability. For example, an individual who has recovered from a mental health condition that previously lasted more than 12 months is protected from discrimination under the Act.

5. Making ‘reasonable adjustments’

5.1 The University as an employer must consider making ‘reasonable adjustments’, involving the disabled employee or successful job applicant in the discussion about what can be done to support them and the decision, if:

- it becomes aware of their disability;
- it could reasonably be expected to know they have a disability;
- they ask for adjustments to be made;
- the disabled employee is having difficulty with any part of their job;
- either the employee’s sickness record, or delay in returning to work, is linked to their disability.

Note that the University’s Sickness Absence Policy is designed to promote good practice aimed at preventing ill health, the effective management of sickness absence when it occurs and the rehabilitation of employees where reasonable, including taking all reasonable measures to support staff with a disability.

5.2 The three main questions the University would consider in assessing what ‘reasonable adjustments’ might need to be made are:

- Does it need to change how things are done?
- Does it need physically to change the workplace?
- Does it need to provide extra equipment or get someone to assist the disabled employee in some way?

5.3 When deciding whether an adjustment is reasonable, the following must be considered: how effective the change will be in avoiding the disadvantage the disabled worker would otherwise experience:

- its practicality;
- the cost;
- resources and size of the school/unit;
- the availability of financial support.

5.4 The overall aim should be, as far as possible, to remove or reduce any disadvantage faced by a disabled worker. Guidance on reasonable adjustments can be sought by both
5.5 Funding for reasonable adjustments

5.5.1 Where feasible, the costs of reasonable adjustments should be borne from departmental budgets, including for those employees whose employment is supported by external funding. Where a department experiences funding difficulties, the department or line manager should contact its HR Business Partner or the EDI Team for advice or support. Note, it is unlawful to require employees to make any financial contributions to the cost of reasonable adjustments.

5.5.2 Employees may be advised to apply to Access to Work (AtW) who currently provide funding for reasonable adjustments and other support to employees to help them overcome work-related obstacles resulting from their disability. An application is required to be made by the employee, however the EDI Team can help with funding the purchasing of equipment and claim back funding from the Department of Work and Pensions. The AtW process can be view at Appendix A. The EDI Team can be contacted to assist with the process, or to seek alternative funding within the University, by emailing: diversity@st-andrews.ac.uk.

6. Disclosing a disability

6.1 The University endeavours to offer an environment that encourages disclosure of a disability.

6.2 All disability disclosure information is treated sensitively and in accordance with the University’s privacy and data protection policies and notices.

6.3 All employees are encouraged to disclose their disability for workplace inclusion to their line manager and via HR Self-Service. If, for any reason, the employee does not want to disclose their disability to their line manager, they can choose to disclose to their HR Business Partner or to the EDI Team.

6.4 Disclosing a disability via HR Self-Service

6.4.1 Employees are encouraged to self-update their personal record via HR Self-Service. This ensures that the University is aware of the range of disabilities on-site and allows the University to gather accurate, statistical monitoring information. If workplace adjustments are required, employees are expected to inform their line manager (or equivalent other) as stated in 6.3.

6.4.2 Employees can view and edit their equal opportunity details by following these instructions:

- Sign into the HR Self Service
- Select 'Equal Opportunities'
- Select 'Check your details'
- Select 'edit these details' for stating disability, and select type of disability
- Once completed please select 'Submit'.

6.4.3 The online categories will be reviewed annually, in addition to being aligned with legislative guidance from both the Equality and Human Rights Commission and the Higher Education Statistics Agency (HESA).
6.5 **Receiving a disclosure (line manager)**

6.5.1 Line managers must seek agreement from the employee to share the disclosure of the disability with their [HR Business Partner](#). This is to ensure that the appropriate support is given to the employee.

6.5.2 Once a disclosure is made, it is normally recommended that the line manager will refer the employee to Occupational Health (via the [HR Business Partner](#)) for assessment and advice. As part of their assessment of the disability, [Occupational Health](#) will identify if adjustments need to be made and will then cascade all relevant information to the employee and line manager to take forward.

6.5.3 It is the responsibility of the line manager, in consultation with HR and informed by expert advice (e.g. Occupational Health), to ensure that adjustments which can be reasonably made are undertaken successfully.

7. **Emergency evacuation**

7.1 Under the University Environmental Health and Safety Services (EHSS) [Safe Evacuation of Persons Who May need Assistance](#) guidance, it is a requirement of Fife Fire and Rescue that the University must put in place appropriate management plans to evacuate all staff including those with impairments from a building in the event of a fire alarm being activated. All Schools/Units and Residences should therefore have an appropriate egress plan for all potential occupants.

7.2 Managers should refer to section 8 of the guidance entitled ‘Emergency Egress Procedures for Staff/Students/Public with Impairments’. It is recommended that Personal Emergency Evacuation Plans (PEEPs) are produced for all those who declare an impairment which may affect their ability to egress a building. While acknowledging the potential for individual differences in the emergency egress needs of people with similar disabilities, some general guidelines can be made to aid the emergency egress of disabled people in the absence of PEEPs.

7.3 To undertake a PEEP for a staff member, as well as health and safety related concerns (including fire safety matters) for a person with a disability, EHSS should be contacted (email: [ehss@st-andrews.ac.uk](mailto:ehss@st-andrews.ac.uk)).

8. **Categories of discrimination**

8.1 There are four main types of discrimination within the protected characteristic of Disability under the Equality Act (2010):

8.2 **Direct discrimination**

8.2.1 This breaks down into three different types of direct discrimination where someone is treated less favourably than others because of:

- their disability – this is ordinary direct discrimination;
- the disability of someone they are associated with, such as a friend, family member or colleague – this is direct discrimination by association;
- how they are perceived - that they are believed to have a disability. Regardless of whether this perception is correct or not, this would be direct discrimination by perception.
8.3 **Indirect discrimination**

8.3.1 This type of discrimination is usually less obvious than direct discrimination and can often be unintended. In law, it is where a provision, criterion or practice is applied equally to a group of employees/job applicants, but has (or will have) the effect of putting those who share a certain protected characteristic at a particular disadvantage when compared to others in the group, and the employer is unable to justify it.

8.3.2 An employee or job applicant claiming indirect discrimination must show how they have been personally disadvantaged, as well as how the discrimination has or would disadvantage other employees or job candidates with the same protected characteristic. The Act does not define a 'provision, criterion or practice'. However, in the workplace, the term is most likely to include an employer's policies, procedures, rules and requirements, whether written down or not. Examples might include recruitment selection criteria, contractual benefits, a redundancy scoring matrix or any other work practice.

8.4 **Harassment**

8.4.1 Harassment is defined as ‘unwanted conduct’ and must be related to a relevant protected characteristic – in this case, disability. It must also have the purpose or effect of violating a person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual, whether intended or not. Harassment can include a serious one-off incident or be repeated behaviour. This can include bullying, nicknames, threats, intrusive or inappropriate questions, excluding someone (ignoring, not inviting someone to meetings or events etc) or insults. It can be verbal, written or physical. Also, unwanted jokes and/or gossip which the employee finds offensive can be harassment, and to say they were ‘banter’ is no defence.

8.5 **Victimisation**

8.5.1 Victimisation is when a person suffers what the law terms a ‘detriment’ - something that causes damage, harm, or loss – because of:

- making an allegation of discrimination, and/or
- supporting a complaint of discrimination, and/or
- giving evidence relating to a complaint about discrimination, and/or
- raising a grievance concerning equality or discrimination, and/or
- doing anything else for the purposes of (or in connection with) the Act.

8.5.2 Victimisation can also occur because an employee is suspected of doing one or more of these things, or because it is believed they may do so in the future. A ‘detriment’, for example, might include being labelled a ‘troublemaker’, being left out and ignored, or being denied training.

8.6 **Discrimination arising from disability**

8.6.1 This is where someone is treated 'unfavourably' because of something linked to their disability, but not because of the disability itself. The disabled person claiming this type of discrimination does not have to compare their treatment to how someone else is treated.

8.6.2 This protects the person with a disability from being treated badly because of something connected to their disability, such as having an assistance dog or needing time off for
medical appointments. This does not apply unless the person who discriminated against the person with a disability knew they had a disability or ought to have known.

8.7 **Reporting**

8.7.1 If an employee feels that they have been subject to inappropriate behaviour, the employee should raise the matter using the online Report & Support tool or directly to their line manager (or equivalent other).

8.8 **Mediation Service**

8.8.1 This service is for all staff and students and members of the public who are connected to the University who want to resolve disagreement informally. The service is also available for groups or teams seeking a collaborative, inclusive framework for problem solving issues. Mediation is a confidential, impartial and voluntary process in which trained mediators help people in dispute work out an agreement.

9. **Training and awareness**

9.1 Upon publishing of this policy, training for line managers, specific to disability workplace inclusion (including what constitutes as a reasonable adjustment), will be provided as part of policy roll-out, facilitated by contacting the EDI Team.

9.2 The section on disability within the Online Diversity in the Workplace Training Module, will provide explanation of the importance of the policy; support for staff; and line manager responsibilities.

9.3 Policy awareness for all staff be embedded into staff induction for new staff, and conveyed via the Staff Memo, and circulated to the Central EDI Committee; School EDI Committees; Service Unit EDI Leads; The Chaplaincy; Trade Unions; Wellbeing Officers; and wider functions of the University.

9.4 Disability and long-term health condition specific training sessions will be conducted and hosted (by external or internal providers). Staff are welcome to contact the EDI Team to be involved in the planning of such provision.

9.5 To ensure compliance with the Act at the recruitment stage for applicants with disabilities, and adherence to the HR EDI Online Inclusive Recruitment Guide, HR Recruitment facilitates the process for convenors and panel members to have completed the assessed Online Recruitment and Selection Training Module.

10. **Further online resources**

10.1 The Access Able web-resource acts as an online guide of buildings across the University in relation to a range of accessibility requirements, and will be reviewed accordingly.

10.2 This following lists all the internal and external webpages that has been referred to in this document.
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<th>Internal Weblink</th>
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<td>Disability employee webpage <a href="https://www.st-andrews.ac.uk/hr/edi/disability">https://www.st-andrews.ac.uk/hr/edi/disability</a></td>
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<td>HR Business Partner contact <a href="https://www.st-andrews.ac.uk/hr/businesspartner">https://www.st-andrews.ac.uk/hr/businesspartner</a></td>
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11. Version control

11.1 Comments on the information contained in this document are welcome and should be made to the Head of EDI.

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Appendix A: Access to Work support overview

1. Staff member discloses disability to Manager/EDI/HRBP for reasonable adjustment(s).
2. Meeting with staff member to establish any reasonable adjustment(s) to be implemented.
3. Manager or staff member makes a referral to Occupational Health (OH), as appropriate.
4. Staff member to contacts Access to Work (AtW) for workplace assessment (EDI Team assists).
5. Receives AtW report and implements funded/non-funded provision agreed with staff/Manager/EDI/HRBP/OH.
6. EDI Team processes AtW grant forms from School/Unit/EDI Team cost centre.
7. Staff member consulted on support put in-place.

Flow chart illustration the above process: