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All staff	March 2020	HR	No
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Jo Todd 01/09/2019	March 2023	Available on HR web pages	

SUPPORTING DISABLED STAFF POLICY & PROCEDURE

Policy

1. Policy Statement

- (1) York St John University is committed to promoting fairness and challenging prejudice. We will inspire all staff during the course of their employment to push the boundaries of their potential, regardless of their disability or long-term health condition (see definition in section 4).
- (2) It is the policy of the University to seek to identify and remove barriers and make reasonable adjustments, providing the necessary support and assistance in order to attract and retain the skills, expertise and experience of disabled staff and enable them to excel in their chosen career.

2. Scope

- (1) This policy applies to all staff and should be read in accordance with the University's Equality, Diversity and Human Rights Policy Statement.

3. Our Commitment

- (1) To ensure that disabled staff can carry out their work effectively and participate in all aspects of University life.
- (2) To ensure fair access to opportunities for progression and development.
- (3) We will address barriers to inclusion, ensuring that disabled staff are not subjected to discrimination and we will deal promptly and effectively with any allegations under the Dignity and Work Policy or Grievance Policy.
- (4) In the planning of our services and the development of our policies we will, as far is reasonably practicable, endeavour to anticipate the requirements of disabled staff and avoid disadvantage related to their disability.
- (5) To work under the guiding principles of the Disability Confident Employer Scheme to attract, support, engage and retain disabled staff.

4. Definition of Disability

Under the Equality Act 2010, a person is disabled if they have 'a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'. Substantial is defined as 'more than minor or trivial' and long-term adverse effect as an effect that has lasted at least 12 months, or where the total period for which it lasts is likely to be at least 12 months or more.

- (1) Conditions automatically treated as a disability under the Equality Act include:
 - Severe disfigurement
 - Cancer, HIV infection and multiple sclerosis - from the point of diagnosis
 - Progressive conditions which are likely to result in having a substantial adverse impact
- (2) A condition can be hidden, such as dyslexia, epilepsy, diabetes; or it can be fluctuating, e.g. depression or chronic fatigue.
- (3) Conditions not covered by the Equality Act:
 - Sight impairments corrected by ordinarily prescribed glasses
 - Broken bones
 - Addiction or dependency alcoholism (although the effects of alcoholism such as liver failure may be).

5. Roles & Responsibilities

- (1) All University Staff have a responsibility to ensure that this Policy Statement and the Procedure that supports it are implemented at all times. Managers have the additional responsibility for ensuring and monitoring implementation in their areas.
- (2) The University will meet its obligations under UK and European legislation and will aim to ensure that best practice is observed. Once the need for reasonable adjustments has been identified and agreed, it is the responsibility of the line manager, with support from Human Resources (HR), to ensure that the adjustment is put in place without delay.
- (3) This policy will be supported by the Executive Board and reviewed by Human Resources, in consultation with Trade Unions and the YSJU Disabled Staff Network.

Supporting Disabled Staff

Procedure

1. Declaring a Disability

- (1) The University is committed to creating an inclusive environment where disabled staff feel comfortable to declare details of their impairment or health condition and can be confident that the University will take reasonable steps to provide them with the support, equipment, facilities and adaptations they require in order to do their work effectively.
- (2) There is no legal obligation for a disabled person to declare their disability to their employer. However, keeping details about a disability confidential is likely to mean that, unless the employer could reasonably be expected to know about the disability, they will not be under a duty to make reasonable adjustments to support the individual in their job.
- (3) The University positively welcomes applications from disabled people. Applicants are not required to declare their disability before an offer of employment has been made unless reasonable adjustments to the recruitment process are requested. Further details can be found in the recruitment pages of the website:
<https://www.yorks.ac.uk/equality/equality-data/recruitment/>
- (4) If a disability is declared at the recruitment stage, the applicant exercises their right under the Disability Confident Scheme, and they meet the essential criteria for the job vacancy, the University will guarantee the disabled applicant an interview. All staff involved in the recruitment and selection process will have knowledge of their responsibilities under the Equality Act 2010 and will comply with the University's Recruitment Policy and the Equality, Diversity and Human Rights Policy Statement.

2. Monitoring of the Declaration

- (1) We have a duty to report annually to show our compliance with the public sector Equality Duty. The report must include information relating to employees who share protected characteristics. We publish this information through the equality portal on our website. <https://www.yorks.ac.uk/equality/>
- (2) All applicants for employment at York St John are requested to complete an Equality Monitoring Form which asks the individual to identify themselves in terms of age, disability, ethnicity, gender identity, gender reassignment, religion or belief, sex, and sexual orientation. On appointment the monitoring data relating to the successful applicant is transferred to their personal electronic record. The data is held and administered by the HR Department and is dealt with in line with the Privacy Policy.

3. Non-Declaration of a Disability

- (1) The University recognises that some disabled staff will choose not to declare a disability when they join the University. Declaration is encouraged, and particularly if a member of staff becomes disabled during the course of their employment or if an existing disability begins to change the way they work. Declaration will enable the University to make reasonable adjustment for a job applicant or an employee to remove barriers and to take positive steps. Members of staff who wish to declare a disability are encouraged to talk to their line manager or to a member of HR.

4. Reasonable Adjustments

- (1) We have a legal duty to make reasonable adjustments to our employment practices to meet the needs of disabled people. This may mean undertaking additional actions to which non-disabled applicants and employees are not entitled.
- (2) In determining what is 'reasonable' in terms of an adjustment and reflecting the University's responsibility under the Equality Act 2010 and is proportionate, the following will be considered:
 - a. the effectiveness of the adjustment in preventing the disadvantage
 - b. the practicality
 - c. the potential disruption caused to the employee or others
 - d. the time effort and resources involved
 - e. the cost
 - f. the extent of the University's financial resources
 - g. the availability of financial help
- (3) Whether an adjustment is reasonable or not is decided with reference to the resources of the University as a whole, rather than the budgets of the employing School or Department.

Identifying the Requirement for Reasonable Adjustments

- (4) The need for a reasonable adjustment may be identified in a number of ways:
 - a. by the employee
 - b. through the recruitment process
 - c. during performance development review conversations
 - d. through the sickness management process
 - e. through the wellness action plan
 - f. following medical treatment
 - g. as a result of an Occupational Health appointment
 - h. as a result of an Individual Risk Assessment
 - i. in the course of regular supervision or performance management

Reasonable adjustment Assessment Discussion

- (5) Once a manager becomes aware that an employee has a disability (either prior to interview, pre-employment, during induction or during employment), they will need to consider what support can be offered to the individual to ensure their ability to carry out their job responsibilities.
- (6) A meeting should be held to seek the employee's view on how the disability affects their work and what adjustments will be most effective to support them. The manager and a representative from HR (if required) will agree actions, responsibilities and appropriate timescales for implementation. This should be confirmed in writing by the line manager at the end of the meeting.

- (7) Subject to the outcome of the meeting, the line manager may explore other possible adjustments with the employee (where they relate to a reallocation of duties or revision of working hours for example) or may refer the individual to the Higher York Access Centre <https://www.yorks.ac.uk/access-centre> who can provide expert advice on the range of adjustments that may be appropriate (with support from external specialists if necessary including Occupational Health or Access to Work).
- (8) Where necessary, an Individual Risk Assessment should be completed with the employee to identify the need for a Personal Emergency and Evacuation Plan in order to ensure the safety of all concerned and whether there are any increased safety risks in undertaking their substantive role without the adjustments in place. Should a safety risk be identified, steps should be taken to remove or mitigate the risk in the short term until the adjustment can be put in place.
<https://www.yorks.ac.uk/health--safety/risk-assessment/>

Authorisation for Reasonable Adjustments

- (9) Once the assessment is carried out and the adjustments identified, the 'reasonable adjustment form' <see draft> on the staff intranet will be completed and signed by the employee, the budget holder (normally Department or Innovation & Technology Services) for funding the adjustment and the Head of HR. In the case of adaptations to buildings, authorisation will be required from the Estates Department. In cases of dispute the matter will be referred to the Head of HR.

Funding for Reasonable Adjustments

- (10) Most adjustments cost little or nothing. However, where costs are required, adjustments can be funded in two ways:
 - a. *From the departmental budget (via director/head of school or Innovation & Technology Services)*. IT will fund IT equipment
 - b. *Access to Work* is a government programme aimed at supporting disabled people to take up or remain at work through the use of a discretionary grant scheme which aims to personalise support. Access to Work may pay up to 100% of the approved costs (subject to the cap). The University will provide practical support to disabled staff to apply for an Access to Work grant.
- (11) Any equipment purchased as a result of a reasonable adjustment will remain the property of the University. In the event of the equipment being obsolete or surplus to requirement, the equipment may be recycled or returned. Requests to transfer equipment to a new employer will be considered (see guidance notes).

Reviewing Reasonable Adjustments

- (12) Adjustments will be monitored and reviewed on an annual basis or more regularly if required. Consideration will be given to the effectiveness of the adjustment to the employee and whether the employee's circumstances require re-assessing. Where a reasonable adjustment is considered to be ineffective or in need of changing the manager should seek support from HR.

5. Disability Leave

- (1) Disability leave is granted where an employee may require time off for purposes such as assessment, servicing of necessary equipment or other aids, treatment,

appointments, therapy and rehabilitation in relation to the disability. The University will grant up to 5 days/one week paid leave per annum pro rata, this is a non-contractual adjustment. The required time off work will need to be verified by a medical or occupational health report or an appointment letter.

- (2) Disability leave will be recorded separately from sickness absence and should not be used by staff to cover periods of sickness absence. Disability Leave will be discounted in respect of redundancy selection criteria.

6. Disability-Related Redeployment

- (1) If, after serious consideration, it is decided that there are no reasonable adjustments that can be made to enable the employee to continue to work in their substantive post, attempts should be made to redeploy the individual into another post, under the University's Redeployment Procedure. Any such outcome will be referred to the Head of HR for ratification prior to a decision being made. The employee will be informed of the decision and with their consent begin the process of seeking redeployment.
- (2) If an employee agrees to be redeployed to a lower graded post then it would be normal practice for the employee to be paid the salary level in relation to their new post. Their post would not therefore be salary protected in the event of redundancy or redeployment. A discussion will take place with the employee prior to any changes being made.

7. Ill Health Procedure & Termination of Employment

- (1) It is recognised that despite making reasonable adjustments and considering redeployment options, the disabled staff member may no longer be able to continue working at the University. The process for termination of employment would be either through the Capability Procedure or ill-health retirement.

8. Complaints

- (1) Members of staff who believe they have not been treated in accordance with the University's policies, or feel that they have been harassed due to their disability, are encouraged to raise a concern with their line manager or seek advice from Human Resources. If they wish to make a formal complaint, they should use the University's Grievance Procedure, or the Dignity at Work Policy and Procedure in respect of potential harassment or victimisation concerns.

9. Useful Contacts

Contacts in YSJU	Links
Human Resources	hrod@yorksj.ac.uk
Staff Development	staff.development@yorksj.ac.uk
Recruitment & Onboarding	vacancies@yorksj.ac.uk
Health & Safety	h&scontact@yorksj.ac.uk
ITS helpdesk	ile@yorksj.ac.uk
Disabled Staff Network HUB	Disability Staff Network

Employee Assistance Programme	www.carefirst-lifestyle.co.uk
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10. Links to Other University Policies

Title	Links
Car Parking	https://www.yorks.ac.uk/campus-and-residential-services/car-parking/
Equality, Diversity and Human Rights	https://www.yorks.ac.uk/equality/
Health, Safety & Wellbeing	https://www.yorks.ac.uk/health--safety/
Flexible Working	https://www.yorks.ac.uk/human-resources/
Special Leave (includes Disability Leave)	https://www.yorks.ac.uk/human-resources/
YSJ You (Employee Benefits)	https://www.yorks.ac.uk/human-resources/ysj-you/