



# Disability Guidance for Employees and Managers

## Introduction

We aim to be sector leading in relation to inclusion and known as a university that acts with respect and integrity creating an environment where employees feel proud, confident, challenged, and supported. We believe that valuing diversity ensures that all employees can flourish and achieve their full potential.

This guidance sets out the process for supporting employees who have a disability and aims to create a framework for collaborative dialogue between the employee and their manager; HR; the University's Occupational Health (OH) provider and specialist external agencies (where appropriate) to ensure employees are supported effectively.

We recognise that some employees with a disability may require practical adjustments, support, or guidance to ensure, as far as possible that they have equal access to everything we offer.

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## 1. Definition of a disability

There are many kinds of disabilities. Some are more widely understood and visible than others.

The **World Health Organisation** (WHO) defines disability as being an umbrella term that covers impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure, an activity limitation is a difficulty encountered by an individual in executing a task or action, while a participation restriction is a problem experienced by an individual in involvement in life situations.

The WHO consider that disability is not just a health problem rather it is a complex phenomenon, reflecting the interaction between features of a person's body and features of the society in which they live. Overcoming the difficulties faced by people with disabilities requires interventions to remove environmental and social barriers.

The **Equality Act 2010** states that a person will be classed as disabled in law if he or she has 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.

A wide range of physical and mental conditions and illnesses may amount to being a disability, depending always on whether the effect of the condition is substantial and long term to the person.


- **Substantial** is defined as more than minor or trivial.
- **Long-term** means that the effect of the impairment has lasted, or is likely to last, for at least twelve months; or it is likely to last for the rest of the person's life.
- **Normal day-to-day activities** include everyday things like eating, washing, walking, and going shopping, and encompass activities, which are relevant to working life.

🕒 **Appendix 1** contains a list of impairments treated as a disability under the Equality Act 2010

## 2. Disclosing a disability

We are working to create an environment where employees feel confident to disclose a disability. This is important so that appropriate supportive measures can be considered to help people, either return to work from a period of sickness absence, or whilst they are at work.

Employees may have had a disability for a period; or a change in their health may occur; or there may be a single event such as an accident, which results in a condition covered by the Equality Act. The Equality Act also applies when an employee's health has deteriorated significantly and there is an underlying health problem, which has resulted in a period of long-term absence.



The first step is for the employee to talk to their manager to inform them that they have, or may have, a disability. This starts the process of identifying any support needs. To help the manager understand the disability, they should ask the employee if they are happy to explore the impact of their disability at work. They should establish if the employee thinks that they would benefit from any adjustments to their working arrangements or any additional support. It is useful to explore any previous adjustments or aids that may have helped in the past.

If any potential or actual health and safety issues are identified, for example evacuation in an emergency then a [Personal Emergency Evacuation Plan \(PEEP\)](#) should be actioned immediately through the Health and Safety team.

Where the employee has a disability, they are encouraged to update their HR Connect record with their disability status. The disclosure of a disability is treated confidentially and sensitively. It may be necessary for others to be made aware of their disability, to enable the provision of appropriate support. Where this is necessary, consent will be requested from the employee.

In exceptional circumstances, we may be required to disclose disability information, e.g., where there is a threat to personal safety of the employee and others, or where there is a legal requirement.

When an employee discloses a disability, colleagues will not be informed. If the employee feels comfortable, they (or their manager) may wish to explain their condition, to enable colleagues better understand their needs. This may be helpful to avoid colleagues making assumptions about their condition and capabilities.


Employees can also contact the HR team or update their HR Connect record if they would like to notify the University that they have a disability without necessarily requesting any adjustments. In addition to ensuring the provision of appropriate support, it is helpful for employees to disclose their disability for the following reasons:

- We can measure how successful we are at building an inclusive and diverse workforce.
- Knowing the make-up of the workforce helps us develop policies and target initiatives, to meet the needs of employees.
- It ensures that we can meet our legal needs to monitor our staff profile, including providing annual information to the Higher Education Statistics Agency (HESA).

### 3. Assessing impact and needs

It is important to assess all aspects of the disability before seeking to identify the most appropriate course of action:

- The nature and current level of severity of the disability.
- The impact of the disability upon the employee's work.



Everyone's needs are different, and it is important to be flexible. Some adjustments may be common sense through discussion between the employee and their manager about what might be helpful, and what is possible.

If an employee does not consider that any adjustments are necessary, no further action will be taken.

In most cases, it will be necessary to involve Occupational Health (OH) to help identify potential appropriate support measures. An OH referral is progressed by the manager supported by HR and with the consent of the employee. Input from the employee's doctor/specialist may also be required to enable the most effective solutions to be determined.

When HR receives an OH report, they will share it with the employee's manager who will arrange to meet with the employee to discuss the report and consider any reasonable adjustments that have been recommended.

## 4. Reasonable adjustments

Reasonable adjustments are wide-ranging and may be agreed on a permanent, occasional, or temporary basis. We have a responsibility to consider reasonable adjustments to any provision, criterion or practice applied to the workplace and to physical features of premises to support the needs of an employee with a disability. The following are examples of the types of adjustments that may be considered:

### ✔ **Adjusting the duties or responsibilities of a role**

The employee may be unable to undertake a limited number of duties associated with their role. Where the changes are minor and do not substantially affect the role, it may be possible to distribute work elsewhere so that the employee can continue in their current role. However, where adjustments to the role are significant, a discussion regarding the impact should take place. It should be noted that it might not be possible to accommodate these.

### ✔ **Provision of specialist equipment or auxiliary aids**

This may include modifying existing equipment or providing new equipment that will help the employee fulfil their role. For example, providing a specialist chair for an employee who is experiencing back, neck or shoulder pain, an ergonomic keyboard for an employee with arthritis, modifying instructions by providing them in large print or braille and installing voice activated software for an employee who has been diagnosed as dyslexic.

### ✔ **Premises**

Making changes to the physical nature of the workplace, such as access, lighting, or temperature. Alternatively, it may mean doing things in a different way, e.g., allowing someone with social anxiety disorder to have their own desk instead of hot-desking.



### ☑ Training

Providing appropriate or additional training, mentoring, supervision etc. that the employee may require to fulfil their role.

### ☑ Working hours or arrangements

This might range from allowing the employee to start work earlier or later in the day to ease travel, or to allow for medications, to changing working hours or patterns more significantly if this can be accommodated (via the Flexible Working Policy).

### ☑ Redeployment

Where it is not possible to make adjustments for the employee to continue safely in their current role due to the nature and the impact of their disability, or adjustments were not effective or are no longer effective, consideration should be given as to whether there are any current suitable vacant roles.

### ☑ Time-off for treatment, assessment, or rehabilitation

We appreciate that employees with a disclosed disability may require, at times, time off specifically for treatment, assessment or rehabilitation related to their disability.

### ☑ Phased return to work

Phased returns can help to facilitate a return to work following a prolonged period of absence.


Each case will be considered on its own merits, taking a holistic view of the most reasonable and appropriate adjustments for the employee, whilst considering the needs of the University. When the manager is determining whether an adjustment is reasonable and proportionate, consideration may be given to the following:

- The extent that the adjustment will benefit the employee and prevent the disadvantage.
- The practicality of the adjustment and any health and safety considerations.
- Resource implications - cost of making the adjustment and available resources.
- The extent to which an adjustment will cause operational disruption.

When a reasonable adjustment is agreed, the manager should record the agreement and resulting support put in place. The information should be shared with HR so that details of the agreed adjustments can be recorded in the employee's file. The manager should undertake regular reviews of the provision (at least every 12 months) with the employee to ensure that the support provided continues to be the most appropriate for their condition. These discussions should be noted and shared with the employee.

### ☑ Appendix 2 contains the disability reasonable adjustments agreement

It is helpful if the employee informs their manager if there are any changes in their condition, which may affect their work, and/or if any agreed adjustments are not working. The manager should explore any further reasonable adjustments or changes that could support the employee.



To ensure consistency of approach, if there is a change in reporting line, the employee should discuss the arrangements with their new line manager. Wherever possible, it can be helpful to have a meeting with the employee, their current manager and new manager.

Over time, changes at the University may necessitate alterations to any adjustments that are in place. If this happens, the impact of any proposed change/removal of an adjustment should be explored with the employee and available options discussed.

In some cases, it may not be possible for adjustments to be made and the reasons for this should be explained to the employee. It may be that alternative options can be explored and tested to see if they have an impact.

It is also worth noting that funding for adjustments may be available through [Access to Work](#).

## 5. Absence related to a disability

**Disability related absence** is defined as absence that is directly or indirectly attributed to a person's disability.

Employees should follow the standard reporting procedure outlined in the Attendance Management Policy when reporting an absence related to a disability.


Absences that specifically relate to a disclosed disability should be recorded separately from non-disability related absences on HR Connect. 'DR' denotes that the absence is related to a disclosed disability.

When reviewing attendance levels, care should be taken to ensure that any action taken because of poor attendance is proportionate and appropriate in each situation, particularly where the employee has a disability or underlying health condition. It is recognised that employees with a disability may have a higher-than-average absence level.

## 6. Further support

Various sources of support and information are available to help people manage their disability and maintain their health and wellbeing and help managers support an employee with a disability.

- ☞ Employees who are members of the [Educational Institute of Scotland \(EIS\)](#) or [UNISON](#) can receive support and advice from their trade union representative.
- ☞ [Employee Assistance Programme](#) is a confidential external wellbeing service that provides emotional, practical, and physical support across a wide range of areas for all employees to access.

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- ✔ [Occupational Health](#) provides information about potential measures that could support an employee with a disability in the workplace.
  - ✔ [Equality Act 2010](#) – we ensure consideration and decisions are made in accordance with this Act.
  - ✔ Detailed definitions of a disability are set out in Appendix 1 of the [Equality and Human Rights commission statutory code of practice](#) and [HM Government document Equality Act 2010 Guidance](#).
  - ✔ [Access to Work](#) is a government organisation attached to Job Centre Plus. They can help employees if their health or disability affects the way they do their job.
  - ✔ [Capability Scotland](#) provides care, support, and education for people with a disability.
  - ✔ [Inclusion Scotland](#) aim to achieve positive changes to policy and practice so that people with a disability are fully included throughout Scottish society as equal citizens.
  - ✔ [Disability Information Scotland](#) help to guide people through the maze of disability information.
  - ✔ [Disability Confident](#) is a scheme designed to help employers recruit and retain people with disability.
  - ✔ [Macmillan Cancer Support](#) provides support and information for people who have cancer.
  - ✔ [Mind](#) provides support to people who are experiencing a mental health problem.
  - ✔ [ME Association](#) provides support and information for anyone who is suffering from ME.
  - ✔ [MS Society](#) provides support and information for anyone who is suffering from MS.
  - ✔ [Asthma UK](#) provides support and information for people with asthma.
  - ✔ [RNIB](#) provides support for people who are suffering from sight loss.
  - ✔ [Action on Hearing Loss](#) provides support for people who are suffering from hearing loss.

Author  
Date

Human Resources  
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## Appendix 1 – Physical and mental impairments

A disability can arise from a wide range of physical or mental impairments, which can include:

- ✔ Physical impairments, such as mobility difficulties, manual dexterity.
- ✔ Sensory impairments, such as those affecting sight or hearing.
- ✔ Impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalomyelitis (ME), chronic fatigue syndrome (CFS), fibromyalgia and epilepsy.
- ✔ Genetic and progressive conditions, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus (SLE).
- ✔ Organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases, including thrombosis, stroke, and heart disease.
- ✔ Developmental, such as autistic spectrum disorders (ASD).
- ✔ Learning difficulties, such as dyslexia and dyspraxia.
- ✔ Mental health conditions or illnesses which have a long-term effect, such as depression and anxiety, schizophrenia, eating disorders, phobias, bipolar affective disorders, and some self-harming behaviour.
- ✔ Disabilities produced by injury to the body or brain.
- ✔ A person who has cancer, HIV infection or multiple sclerosis (MS) from the date of diagnosis.
- ✔ A person certified as blind or partially sighted by a consultant ophthalmologist or registered as such with a local authority.
- ✔ Hidden impairments, such as diabetes if these impact normal day-to-day activities.

The above is a non-exhaustive list.



## Appendix 2 - Disability Reasonable Adjustments Agreement

Employee & manager details			
<b>Employee name:</b>	Employee name	<b>Role:</b>	Role
<b>School/Service:</b>	School/Service	<b>Manager name:</b>	Manager name
Purpose of the agreement			
<p>This is a record of reasonable adjustments agreed between an employee with a disability and their manager. The purpose of this agreement is to:</p> <ul style="list-style-type: none"> <li>✔ Ensure that both the employee and the University have an accurate record of what has been agreed.</li> <li>✔ Minimise the need to renegotiate reasonable adjustments if the employee changes role or is assigned a new manager.</li> <li>✔ Provide the employee and their manager the basis for discussions about reasonable adjustments at future meetings.</li> </ul> <p>This agreement should be reviewed, and may be amended as necessary:</p> <ul style="list-style-type: none"> <li>✔ at any regular one-to-one meeting.</li> <li>✔ at a return-to-work meeting following a period of sickness absence.</li> <li>✔ at a mid or end-of-year review discussion.</li> <li>✔ before a change of role, duties, location, working hours or way of working.</li> <li>✔ before or after a change in circumstances for the employee or the University.</li> </ul>			
Details of the employee's disability			
How the employee's disability impacts them at work			



Agreed reasonable adjustments		
Adjustment	Date implemented	End date (if applicable)
<b>Employee declaration</b>		
<input checked="" type="checkbox"/> The above details are correct. <input checked="" type="checkbox"/> I will let my manager know if there are any changes to my condition that impact my work and/or if the agreed adjustments are not working. <input checked="" type="checkbox"/> A copy of this form may only be given to a new manager with my consent.		
<b>Employee's signature and date:</b>	Employee signature and date	
<b>Manager's signature and date:</b>	Manager signature and date	
For details on how personal data is processed, please view the <a href="#">Staff Privacy Notice</a> . A copy of this form should be sent to the HR team to place onto the employee's file.		