



## **DISABILITY AND EMPLOYMENT CODE OF PRACTICE**

*This document should be read in conjunction with the associated codes of practice on “Equal Opportunities in Employment” and on the “Promotion of Race Equality for Staff”.*

### **1. POLICY STATEMENT**

The University of East Anglia’s governing body, the Council, has approved the following Policy Statement:

The University of East Anglia is committed to ensuring that staff with disabilities and those staff who develop a disability during the course of their employment are supported to achieve progress through the University. The University is also committed to ensuring that disabled people are encouraged to apply for employment with the University. Every reasonable effort will be made to provide a supportive environment and to ensure that they have an equal opportunity, so far as is practicable, to be selected, trained and promoted. The University will provide, wherever possible, such resources as may be necessary to support the employment of disabled people and to make reasonable adjustments to support and enable disabled staff to be retained in the employment of the University.

### **2. PURPOSE**

The purpose of this document is to outline ways in which the University’s policy statement on disability may be given full effect by:

- raising staff awareness of disability issues and, in particular, of their responsibilities under the Disability Discrimination Act (DDA) and the University’s commitments as a member of the Disability Symbol (Two Ticks) Scheme;
- giving guidance to managers to ensure that disabled staff including those who develop a disability during the course of their employment are supported in their work at the University;
- giving guidance to those involved in recruitment and selection to ensure that all aspects of the recruitment process avoid discrimination and comply with the requirements of the Disability Symbol (Two Ticks) Scheme.

(Further detailed information about the Disability Symbol (Two Ticks) Scheme and its implications for UEA managers and staff is set out in Appendix 1.)

### **3. RESPONSIBILITY, MONITORING AND REVIEW**

All staff are required to comply with this policy and the guidelines, with the requirements of the Disability Symbol (Two Ticks) Scheme and with the relevant legal requirements.

Individual managers in the University have particular responsibilities. They are responsible for the implementation of these guidelines within their own area in terms of the recruitment, retention and support of disabled staff. Managers should be aware of their responsibilities under this policy and under the Disability Discrimination Act and ensure that they are carried out.

Managers must take steps to ensure that disabled members of staff have the opportunity to discuss whether they require any particular equipment or arrangements in the workplace and, in consultation with Human Resources, ensure that appropriate steps are taken to make those adjustments (see Section 5 below).

Human Resources, on behalf of the Human Resources Policy Committee and the UEA Council, will be responsible for reviewing and monitoring the implementation of these guidelines to ensure their effectiveness. It will report regularly, through the Human Resources Policy Committee, to the UEA Council on the implementation and effectiveness of these guidelines.

### **4 DEFINITIONS**

4.1 **“Disability”** is defined by the Disability Discrimination Act as:

“ a physical or mental impairment which has a substantial and long-term adverse effect on (a person’s) ability to carry out normal day-to-day activities”.

This applies both to people who currently have a disability and to those who have had a disability in the past.

However, for the purposes of the Disability Symbol (Two Ticks) Scheme and these guidelines, this definition is extended to those people with a disability who may fall outside the definition of disability in the DDA because, whilst not affecting them in their normal day-to-day activities, their disability affects them at work.

4.2 **Unlawful discrimination against disabled job applicants** can occur:

- in the arrangements made for determining to whom a job should be offered;
- in the terms on which employment is offered;

- by not employing the best candidate when they have a disability for reasons relating to their disability where there are no real and substantive reasons not to appoint.

**“Arrangements”** covers anything done by or for the University as part of its recruitment process or in determining who should be offered employment. This includes application forms, interviews and arrangements for selection.

**4.3 Unlawful discrimination against current employees with a disability** can occur if:

- for a reason which relates to their disability, a member of staff is treated less favourably than the University treats or would treat other staff; and
- the University cannot show that the treatment in question is justified.

For example, this could be,

- in the terms of employment afforded to the member of staff;
- in the opportunities afforded to the member of staff to remain in employment, for promotion, transfer, training or receiving any other employee benefit, or by refusing to afford, or deliberately not affording him/her any such opportunity, due to their disability;
- by unreasonably disciplining and/ or dismissing the member of staff or subjecting him/her to any other detriment, due to their disability.

(**“Detriment”** includes demotion, reduction of pay, other disciplinary measures and the harassment of disabled employees).

**4.4 “Reasonable adjustments”** are changes to the workplace or the way in which work is done to avoid placing someone with a disability at a substantial disadvantage. These changes may be required for:

- recruitment arrangements
- terms of employment
- promotion, transfers, training or other benefits
- retention
- performance management and discipline.

(There are references throughout these Guidelines to the important duty, under the Disability Discrimination Act, to make **reasonable adjustments**. Further detailed information is also set out in Appendix 3.)

## 5. RECRUITMENT AND SELECTION

*(Further detailed guidance for those involved in staff recruitment is set out in Appendix 2)*

To ensure that disabled people have an equal opportunity of being recruited, the University will:

abide by the requirements of the Disability Symbol (Two Ticks) Scheme and display its logo in advertisements to encourage disabled people to apply for vacancies (see Appendix 1);

**interview all disabled applicants who meet the essential (minimum) criteria for a job vacancy and consider them on their abilities;**

strictly apply the University's Equal Opportunities policy and the recommendations within the University's Recruitment and Selection Guidelines. **In particular, job descriptions and person specifications will be required in connection with all advertisements and examined** to ensure that unnecessary requirements are not included that may exclude a disabled person who could do the job;

take steps to ensure that interview arrangements are such that disabled people may attend without disadvantage or embarrassment;

make selection decisions on the basis of the qualifications, experience, aptitude and skills of applicants in relation to the post, regardless of any disability;

ensure that disability awareness training is included within the recruitment and selection training programmes;

undertake a risk assessment when disabled people are recruited where there are substantial health and safety concerns;

make such reasonable adjustments to premises, work practices and equipment as are necessary to enable disabled people to take up employment with the University (see also Appendix 3).

## 6. PROVISIONS DURING AND UPON LEAVING EMPLOYMENT

### 6.1 Training and Career Development

Career development opportunities will be communicated to all employees and will be available in different formats.

Training and development opportunities will be available to staff regardless of disability. This may involve making reasonable adjustments. Outside training providers will be required to demonstrate that they are able to accommodate members of staff with a disability before the University will approve their use.

## 6.2 Retention

The University will take positive steps to enable, wherever possible, the continued employment of an employee who is or becomes disabled. This may involve making reasonable adjustments such as transferring the member of staff to a vacant post or to a different place of work where practical (See also Section 5 above).

## 6.3 Performance Management and Discipline

As with all staff, Human Resources must be consulted before any formal disciplinary action is taken or dismissal proceedings instituted against a disabled employee.

## 7. FURTHER ADVICE

Further advice on the interpretation and implementation of these guidelines is available from Human Resources.



## THE DISABILITY SYMBOL (TWO TICKS) SCHEME

### 1. INTRODUCTION

The University is a Disability Symbol User. This is a recognition given by the Jobcentre Plus, which is part of the Government Department for Work and Pensions, to employers who have agreed to meet five commitments regarding the recruitment, employment, retention and career development of people who have a disability.

### 2. WHY IS THE UNIVERSITY USING THE SYMBOL?

The University, as an equal opportunities employer, wishes to do all it can to create a more diverse workforce and using the disability symbol may help with this. By using the symbol we are helping to make it clear to disabled job applicants that we welcome applications from them and are positive about their abilities. It will also show existing staff that we value their contribution and will treat them fairly should they become disabled. It is also worth bearing in mind that by employing disabled people we will be better placed to develop and deliver our services to those users who have a disability.

### 3. WHAT IS THE DEFINITION OF DISABILITY USED FOR THE DISABILITY SYMBOL?

People falling within the definition of the Disability Discrimination Act (DDA) and those with a disability which only affects them at work.

### 4. WHAT ARE THE FIVE DISABILITY SYMBOL COMMITMENTS AND WHAT KIND OF ACTION WILL THE UNIVERSITY NEED TO TAKE TO MEET THEM?

#### Commitment 1

***To interview all disabled applicants who meet the essential (minimum) criteria for a job vacancy and consider them on their abilities.***

The aim of this commitment is to encourage disabled people to apply for jobs by offering an assurance that, should they meet the essential (minimum) criteria for the job, they will be given the opportunity to demonstrate their abilities at interview.

#### Essential Action

- this commitment applies to all vacancies, internal and external, without exception;
- ensuring essential (minimum) criteria are available to all applicants either being detailed within the job advert or contained within the further particulars for the post.
- when considering applications, ensure that all disabled applicants who meet the essential (minimum) criteria for the post are invited for interview

and not subject to any subsequent change in the essential (minimum) criteria.

**The University will also**

- include a brief statement explaining what the symbol means in the job further particulars, as follows "All disabled applicants who meet the essential (minimum) criteria for the post will be invited for interview";
- monitor what happens to disabled applicants through internal and external recruitment processes.

**Commitment 2**

**To ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what they can do to make sure they can develop and use their abilities.**

The aim of this commitment is to ensure that staff with a disability are getting the same opportunities as others to develop and progress within their job.

**Essential Action**

- identify, where staff are willing to disclose this information, those existing members of staff with a disability in order to fulfil this commitment;
- bring this commitment, and the action it requires, to the attention of all who have responsibility for managing staff.

**The University will also**

- facilitate a working environment which encourages disabled members of staff to discuss their career development;
- ensure there is a mechanism in place to enable a disabled member of staff to speak to an alternative member of staff should there be any difficulties with their immediate supervisor;
- publicise this commitment widely within the University.

**Commitment 3**

**To make every effort when employees become disabled to make sure they stay in employment.**

The aim of this commitment is to make sure that staff know that, should they become disabled, they will have the University's support to enable them to continue in their current job or an alternative one where possible. Retaining a member of staff who has become disabled means keeping their valuable skills and experience and saves on the cost of recruiting a replacement.

**Essential Action**

- ensure there is a mechanism in place to enable managers to consider all the options should a member of staff become disabled or if an existing disability becomes worse;
- ensure that this commitment is widely communicated to staff.

### **The University will also**

- monitor the career progression of staff who have become disabled or whose disability has worsened;
- make sure that managers know about the support available, via Human Resources, from the Jobcentre Plus Disability Service should one of their members of staff develop a disability. For example, advice on job restructuring, adapting workstations, work preparation or retraining and financial help through Access to Work.

### **Commitment 4**

#### **To take action to ensure that all employees develop the appropriate level of disability awareness needed to make your commitments work.**

The aim of this commitment is to provide awareness of disability issues to all staff.

#### **Essential Action**

- define what the appropriate levels of disability awareness are for different groups of staff (eg managers, those involved in recruitment and selection);
- ensure that new staff and people moving to new posts receive the appropriate level of awareness training.

### **Commitment 5**

#### **Each year, to review the five commitments and what has been achieved, to plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans.**

The aim of this commitment is for the University as an employer to monitor its own practices and achievements in meeting the symbol commitments and to identify areas for further progress or good practice to share with others. Progress will be reported to the Jobcentre Plus Disability Service at the annual review.

#### **Essential Action**

- ensure that it is clear who is responsible for collecting information to make the review effective and for defining what information needs to be collected;



- ensure there is a mechanism in place to share the results of the review with all staff.

**The University will also**

- record recruitment and career progression information about disabled people to review the effectiveness of its disability policy.

*(This information is derived from the Jobcentre Plus Website, which is available at:*  
<http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Employers/DisabilityService%2FshelpforEmployers/DisabilitySymbol>



## Appendix 2

### **DISABILITY AND EMPLOYMENT – DETAILED GUIDANCE FOR STAFF INVOLVED IN THE RECRUITMENT AND SELECTION PROCESS**

#### **1. INTRODUCTION**

Recruitment and selection procedures should not discourage disabled people from applying because of their disability. The principles adopted to avoid sex and race discrimination in recruitment apply equally to disability discrimination. Discrimination can take place at every stage of the recruitment process, so procedures need to be examined to ensure that disabled people are not excluded.

Job descriptions, person specifications, advertisements, application forms, selection criteria and interviewing techniques etc should all be reviewed and monitored on a regular basis to ensure that anything which is potentially discriminatory is excluded and staff who are involved in any aspect of the recruitment process should be properly informed of the issues. The following points should be borne in mind.

#### **2. JOB DESCRIPTION/ PERSON SPECIFICATION**

Disabled applicants should be assessed on their ability to carry out the job successfully. Applicants must not be rejected on the basis that they can only do the job if reasonable adjustments are made.

The job description and person specification must be drawn up objectively, using non-discriminatory and work-related criteria. Any requirements that may serve to exclude disabled people or which may discriminate against disabled applicants and which are not essential for the job should be eliminated e.g.:

- stipulating that a driving licence is required may be discriminatory if the job requires only limited travelling which could be done easily using public transport or making other arrangements;
- describing the ideal candidate as 'energetic' may be discriminatory where the job is largely sedentary;
- requiring someone with 'good communication skills' if the only requirement is to answer the telephone courteously - a person with a hearing impairment may be able to carry out the required task with the aid of a specially adapted telephone.

Consider whether or not there is scope for flexibility in job descriptions and person specifications. It is absolutely essential that everyone in the School/Unit

can answer the phone, climb stairs etc? Is it necessary that the post holder has a high degree of mobility?

Any requirements which might treat disabled applicants less favourably must be justified.

### **3. ADVERTISEMENTS AND FURTHER PARTICULARS FOR A VACANT POST**

Both the advertisement and further particulars must not contain any job titles, headlines, illustrations or wording from which an inference could be drawn that disabled applicants would be treated less favourably than non-disabled applicants, or that the University would be unwilling to make a reasonable adjustment in order for disabled applicants to be considered or appointed.

Advertisements will display the logo of the Disability Symbol (Two Ticks) Scheme (See Appendix 1).

### **4. JOB APPLICATION FORMS/CVS**

Human Resources will regularly monitor the content and format of the application forms used to ensure that they reflect legal requirements and best practice.

Under the DDA, employers must not discriminate in the way that applications are dealt with by, for example, refusing to accept an application or CV in a different format such as on audio tape.

### **5. INTERVIEWS**

(For further detailed guidance please also refer to the "Interview Environment" section of the UEA's Recruitment and Selection Guidelines)

As part of its commitment to the Disability Symbol (Two Ticks) Scheme, all applicants with a disability are to be guaranteed an interview provided they meet the essential (minimum) criteria for a job vacancy and will be considered on their abilities (see also Appendix 1)

**Letters inviting candidates for interview or the further particulars for the post should include the following statement:**

“The University of East Anglia is committed to providing disabled people with the opportunity to compete fairly for jobs. If you need any particular assistance for your interview [and/or the skills test/presentation – insert as appropriate] please let us know when you confirm your attendance.”

The majority of disabled people need little or no special support for an interview and their disability may be largely irrelevant to the job. Others may need support or a particular facility and it is important, therefore, to plan ahead to be able to meet an individual's needs. Depending on the post concerned it may be necessary to ensure that interviews are held in an easily-accessible rooms (preferable on the ground floor or accessible by lift) or, for example, to book an interpreter or communication support worker.

It is important that interviewers focus on the ability of disabled candidates to perform the duties of the job and not on their disability. The Chair of the selection panel should ensure that the conduct of the interview, its content and its tone, is similar for all candidates. It should not vary because a candidate has a disability, any more than it should because of the gender of the candidate or their ethnicity. All candidates should have an equal opportunity be considered on their abilities and suitability for the job.

Questions may only be asked about a candidate's disability if it is, or may be, relevant to their ability to perform the duties of the post, if necessary after “reasonable adjustments”.

A discussion of any reasonable adjustments to the working environment or arrangements which might be required to enable a disabled candidate to take up an offer of appointment should not take place until the selection interview itself has been completed. Seeking comment and advice on this from the candidate after the interview has closed should help to give reassurance that the same assessment criteria are being applied to all candidates and that all are being treated equally on merit.

Such a question might best be phrased along the following lines:

“You have told us that you have a disability. Is there anything that you would like to tell us about how your disability might affect your ability to do the job, including any particular strengths you feel you have developed? Is there any particular equipment or other facilities which would enable you to fulfil your potential in the role?”

Before asking such a question, remind applicants of the UEA's policy on employing disabled people to reassure them that they will not be disadvantaged in the recruitment process.

Good interview practice also includes:

- checking the accessibility of the building and interview room;
- preparing questions based on the job description;
- providing ways in which a disabled candidate can compete on equal terms e.g. the provision of extra time to complete a test for a candidate with a hearing impairment or dyslexia;
- speaking directly to the candidate, not an interpreter or personal assistant;
- maintaining eye contact as you would at any interview;
- ensuring that you are aware in advance of the interview, how the candidate would prefer to communicate e.g. via an interpreter, paper and pencil or lip reading;
- to facilitate lip reading, avoiding sitting in shadow or in front of a window or bright light, facing the candidate and speaking clearly;
- the panel introducing themselves and saying where they are sitting (for candidates with a visual impairment);
- seeking to avoid non-verbal communication (for candidates with a visual impairment).

## **6. OTHER SELECTION PROCESSES**

The general principles set out in section 5 above apply in the case of any additional selection processes, such as selection/skills tests and presentations made by candidates. The use of such additional selection processes must be justifiable and factors such as location and accessibility need to be taken into account.

## **7. SELECTION**

Throughout the selection process, the selection criteria must be objective, non-discriminatory and work-related. It is very important for records to be kept in a consistent form, by using the "Short Listing Evidence/ Person Specification/ Interview Assessment" Forms available from Human Resources. These show the basis on which decisions have been taken at each stage of the process (short-listing through to final selection). Such records can provide a sound defence against claims of sex, race and disability discrimination. In terms of the DDA, these records should include (where appropriate) information such as the reasonable adjustments (to premises, equipment or working arrangements etc) considered by the employing School/Unit and which have been discussed with the candidate, the reasons why these adjustments were not offered/provided; or the adjustments offered to the disabled candidates and their response.

Copies of these forms should be sent to the relevant HR Manager for record keeping purposes and compliance with the requirements of the Disability Symbol (Two Ticks) Scheme.

#### **8. ON APPOINTMENT**

Some staff will feel more at ease if colleagues know about their disability and others will prefer confidentiality and their wishes must be respected.

A supportive induction should be provided. Ideally, particular needs will have been identified and discussed before the member of staff takes up appointment because arrangements may take some time to put in place. On appointment, the new staff member should be given the opportunity of raising any other issues which may have been overlooked and a date set to review the effectiveness of the arrangements put in place.

*(With grateful acknowledgement to the University of York for their original development of much of the information contained in this Appendix.)*



## Appendix 3

### REASONABLE ADJUSTMENTS

An important part of the duty not to discriminate under the Disability Discrimination Act is the duty to make **reasonable adjustments** to the workplace or the way work is done to avoid placing disabled people at a substantial disadvantage.

The Act suggests the kind of adjustments that may be considered reasonable, for example:

- adjusting the premises;
- allocating some of the disabled employee's duties to another member of staff;
- transferring the member of staff to an existing vacancy;
- altering working hours;
- offering a different place of work;
- providing time off during working hours for rehabilitation, assessment or treatment;
- giving or arranging training;
- buying or modifying equipment;
- modifying instruction or reference manuals and literature;
- modifying testing or assessment procedures;
- providing a reader or interpreter;
- providing supervision.

The list is not exhaustive and employers are expected to consider all the possibilities when determining what changes are made, after discussing options with the employee concerned.

Only **reasonable** adjustments need be made and a number of factors are relevant when determining reasonableness:

- The effectiveness of the adjustment in reducing or preventing disadvantage (in other words, does the adjustment actually help the employee do their job?);
- practicality (for example, is it possible to make the adjustment?);
- costs incurred and potential disruption;
- the extent of the employer's financial and other resources (this is more likely to be a factor in a small business than in an organisation the size of the University);
- the availability of financial or other assistance.

The purpose of adjustments is to reduce or remove disadvantage; employers are not required to treat disabled employees more favourably than others. However, they are not prevented from treating disabled people more favourably if they choose.

Advice and support will be available to employees and managers from Human Resources, which will consult external organisations as appropriate. If resources are required for the purchase of specialist equipment then the manager concerned may need to discuss the possibility of additional funding with the appropriate HR Manager. The University will make best use of the resources which are available, including, as appropriate, an application for funding and other support to be provided under the Access to Work Scheme.